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Supplement to Bicycling Laws in the United States 1974 - 1980



The Commentary series covers, on a selective basis, the development and status of state motor vehicle and traffic laws, particularly as they relate to provisions in the Uniform Vehicle Code.

SUPPLEMENT TO BICYCLING LAWS IN THE UNITED STATES

by

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TABLE OF CONTENTS

INTRODUCTION	1
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State Laws Updated

Alabama	3	Montana	72
Alaska	4	Nebraska	75
Arizona	9	Nevada	76
Arkansas . . . . .	.10	New Hampshire	77
California . . . . .	.11	New Jersey	80
Colorado . . . . .	.20	New Mexico	82
Connecticut . . . . .	.23	New York	83
Delaware . . . . .	.29	North Carolina	88
Florida . . . . .	.31	North Dakota	89
Georgia . . . . .	.32	Ohio	91
Hawaii . . . . .	.35	Oregon	93
Idaho . . . . .	.41	Pennsylvania	98
Illinois . . . . .	.43	Rhode Island . . . . .	.105
Indiana . . . . .	.46	South Carolina . . . . .	.112
Kansas . . . . .	.47	Texas . . . . .	.114
Kentucky . . . . .	.49	Utah . . . . .	.115
Louisiana . . . . .	.50	Vermont . . . . .	.121
Maine . . . . .	.51	Virginia . . . . .	.122
Maryland . . . . .	.52	Washington . . . . .	.125
Massachusetts . . . . .	.58	West Virginia . . . . .	.126
Michigan . . . . .	.59	Wisconsin . . . . .	.127
Minnesota . . . . .	.62	District of Columbia . . . . .	.133
Missouri . . . . .	.69		

INTRODUCTION

This is an update of information contained in an earlier Commentary, "Bicycling Laws in the United States."^{1/} The present Commentary is designed to be used with the original Commentary, as a supplement to that document.

The original Commentary was completed in 1974, and reflected the status of laws as of January 1, 1974. The Supplement covers changes in state vehicle codes in the seven-year period from 1974 through 1980. Together the original Commentary and the Supplement reflect the status of state laws as of January 1, 1981.

The original Commentary reviewed the laws of 50 states and the ordinances of 50 selected municipalities. The Supplement updates this information only as to the 50 states and the District of Columbia. It does not update the information regarding the 50 municipalities except as to the District of Columbia.^{2/}

The original Commentary was divided by the following major topical headings:

- Legal Status of Bicycles
- Accident Requirements and Rules of the Road
- Special Rules for the Operation of Bicycles
- Bicycle Registration
- Dealer Regulation
- Special Procedures and Penalties
- Enabling Legislation
- Miscellaneous Bicycle Laws

The Supplement is arranged alphabetically, by states. Within the discussions for each state, the major topical headings from the original Commentary have been retained; these headings appear in the Supplement only if there has been a revision in the relevant laws, however. Subheadings from the original Commentary have not been used in the Supplement. However, laws are discussed in the

^{1/} "Bicycling Laws in the United States," Traffic Laws Commentary, Vol. 3, No. 2 (September 1974), for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

^{2/} In the original Commentary, the District of Columbia was treated as one of the 50 municipalities. It is referred to as "Washington" throughout that Commentary.

Supplement in exactly the same order in which they were discussed in the original Commentary. Also, the Supplement includes parenthetical page references to the page or pages in the original Commentary which include the law being discussed, or similar laws in other states.

The Supplement attempts to convey the substances of changes in the laws in the most concise way possible. Sometimes the text of the law is included. In other cases the law may be paraphrased. In many cases, changes in the law have been shown by underlining and bracketing. Underlined words are additions to the law. Words within brackets have been deleted from the law.

For example, words which are underlined are new to the law, while [words enclosed within brackets have been deleted and are no longer part of the law].

Where underlining and bracketing are used in the quoted text of a law, they represent the exact words which were added to or deleted from the law. Quoted text of a law generally appears in indented, block form; occasionally quotation marks are used; if neither indented nor enclosed within quotation marks, the law is paraphrased. Where underlining and bracketing are used in a paraphrased law, they represent only the concepts and not the precise language added to or deleted from the law. Not all new language is underlined. Where a whole section is new, the section is not underlined but the paragraph introducing the law will state that it is a new law or new language added to an existing law.

The primary emphasis of the Supplement is to update those important provisions which regulate bicycle operation; these are found almost exclusively in the state vehicle codes. Less important provisions which are not part of the vehicle code, in particular those which were covered under the Miscellaneous Bicycle Laws heading in the original Commentary, have generally not been updated.

No relevant amendments have been made in the bicycling laws of the following six states:

Iowa
Mississippi

Oklahoma
South Dakota

Tennessee
Wyoming

ALABAMA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to refer to a 14 [20] inch minimum wheel diameter, bringing the definition into substantial conformity with the 1968 UVC § 1-105.

A bicycle is no longer a vehicle, because the definition of "vehicle" was amended to specify, "that for purposes of this title, a bicycle or ridden animal shall not be deemed a vehicle."

The definition of "highway" (p. 22) was amended to be in verbatim conformity with UVC § 1-122.

Accident Requirements and Rules of the Road

The section requiring a driver involved in an accident to stop, identify himself, and render aid, (p. 40) was amended to apply only to the driver of a motor vehicle.

Special Rules for the Operation of Bicycles

The law relating to restrictions on use of controlled access roadways (p. 68) was amended to authorize exclusion from the "roadway (or highway)" [roadway] of any kind of traffic which is found incompatible with the normal, safe movement of traffic [bicycles and other named classes of traffic].

The requirement for a red, rear reflector (p. 112) was amended to require visibility from all distances from 100 to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle [from 50 feet to 300 feet when directly in front of upper beam headlights].

The brake requirement (p. 119) was amended to refer to brakes which will enable the operator to make the braked wheels skid on dry, level, clean pavement [adequate brakes].

ALASKA

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended as follows:

A vehicle [device] propelled exclusively [solely] by human power upon which a person may ride, having two tandem wheels or three wheels [not less than two nor more than three wheels] in contact with the ground, except scooters and similar devices.

The definition of "vehicle" (p. 10) was amended by deleting the phrase, "except a device moved by human power"; the term now includes bicycles.

The definition of "highway" (p. 21) was amended to exclude "vehicular ways and areas," and the following new definition was added:

"Vehicular way or area" means a way, path or area, other than a highway or private property, which is designated by official traffic control devices or customary usage and which is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the department or other agency having jurisdiction over the way, path or area.

The definition of "roadway" (p. 27) was amended to specify that the roadway does not include the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles.

Accident Requirements and Rules of the Road

The provision on rights and duties of bicyclists (p. 33) was amended as follows:

Every [A] person operating a bicycle upon a roadway [highway] has [shall be granted] all the rights and is subject to all of the duties applicable to the driver of any other vehicle

Special Rules for the Operation of Bicycles

The section comparable to UVC § 11-1201(c) relating to the place of application of the special bicycle rules (p. 58) was repealed.

Two sections relating to the position of a bicycle upon the roadway (p. 61) were amended and combined as follows:

A person operating a bicycle upon a roadway [highway] shall ride as near to the right side of the roadway as practicable, [exercising due care when passing a standing vehicle or one proceeding in the same direction] and shall give way to the right as far as practicable to a motor vehicle proceeding in the same direction when the driver of the motor vehicle gives audible signal.

The provision on riding abreast (p. 64) was amended by adding the following:

Persons riding bicycles two abreast may not impede traffic and, in a laned roadway, shall ride within the farthest right lane.

The provision which authorized exclusion of bicycles from controlled access highways (p. 68) was extensively reworded; the current section provides as follows:

When the Department of Transportation and Public Facilities or a municipality, with respect to a controlled-access highway under its jurisdiction, prohibits or limits the use of the highway to certain types of vehicles or traffic, it must erect and maintain signs on the highway notifying drivers of the limitations.

Two new sections relating to bicycle turning maneuvers were adopted as follows:

A person riding a bicycle intending to turn left shall, unless he dismounts and crosses as a pedestrian, comply with the provisions of sec. 200 of this chapter. The operator of a bicycle must give a signal by hand and arm continuously during the last 100 feet traveled

unless the hand is needed in the control or operation of the bicycle. When stopped to await an opportunity to turn, a hand and arm signal must be given continuously by the operator.

When signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle may disobey the direction of the sign unless first pulling to the extreme right or shoulder of the road, dismounting and making the turn as a pedestrian.

Another new section relates to bicycle races.

No bicycle race may be conducted upon a roadway, except as provided under AS 05.35.

The referenced statutory section (AS 05.35) does not authorize any bicycle racing, however.

The section on clinging to a vehicle (p. 81) was repealed; a new provision which specifically refers to bicycles was enacted as follows:

No person operating a bicycle or other non-motorized conveyance may attach, hold on by hand or otherwise secure the bicycle or conveyance or himself to another vehicle so as to be towed or pulled.

The requirement to use a side path (p. 85) was deleted, while the requirement to use the shoulder (p. 85) was amended:

When a shoulder of the highway is maintained in good condition, an operator of a bicycle shall use the shoulder of the roadway. [Where a usable path for a bicycle is provided adjacent to a roadway or when shoulders of the highway are adequate, a bicycle rider shall use the path or shoulder and may not use the roadway.]

The section requiring a bicyclist on a sidewalk or path to exercise due care (p. 95) was amended as follows:

A person operating a bicycle on a trail, path [or] sidewalk, or sidewalk area [which is also used by other vehicles or pedestrians] shall

(1) exercise [due] care to avoid colliding with other persons or vehicles; [a person or other vehicle which may be using the trail, path or sidewalk.]

(2) give an audible signal before overtaking and passing a pedestrian; and

(3) yield the right-of-way to any pedestrian.

A new section was adopted to prohibit certain sidewalk riding:

No person may ride a bicycle upon a sidewalk in a business district or where prohibited by an official traffic-control device.

The section which prohibited riding a bicycle other than upon or astride the regular seat (p. 98) was repealed.

The section on carrying too many (p. 99) was amended as follows:

No person operating a bicycle upon a highway may carry a person other than the operator, unless the bicycle is equipped with a seat for the passenger, except that an adult rider may carry a child securely attached to his person in a backpack or sling. [A bicycle, when ridden upon or along a highway may not be used to carry persons other than the operator, unless it is equipped with a seat for other riders.]

The section relating to hands on handlebars (p. 102) was amended so that it no longer refers to articles being carried.

A person operating a bicycle upon [on or along] a highway shall maintain control of the bicycle and shall at all times keep at least one hand upon the handlebars of the bicycle [may not carry an article which prevents him from keeping at least one hand upon the handlebars.]

A new section to regulate bicycle parking was adopted:

(a) No person may park a bicycle on a street or sidewalk in a manner which obstructs pedestrian traffic or the parking and driving of motor vehicles.

(b) No person may secure a bicycle to any of the following publicly owned facilities:

- (1) fire hydrants;
- (2) police and fire callboxes;
- (3) electric traffic signal poles;
- (4) stanchions or poles located within bus zones or stands;
- (5) stanchions or poles located within 25 feet of an intersection; or
- (6) trees under 10 inches in diameter.

(c) A bicycle parked on a highway must comply with the provisions of this chapter regulating the parking of vehicles.

Bicycle equipment requirements (pp. 111, 114, and 119) were amended to require [authorize] a bicycle to be equipped with a taillight which displays a red light visible 500 feet to the rear. The taillight requirement is not specifically limited to nighttime use only. A bicycle ridden at night must also be equipped with a red reflector on the rear and with reflective material visible from the sides; the reflector and reflective material must be visible at night from all distances within 600 feet [from all distances between 600 and 100 feet to the rear when directly in front of an upper beam headlamp]. Nothing prohibits the use of additional reflectors or reflective material on a bicycle. A bicycle must be equipped with a brake system which is maintained in good working condition and capable of stopping the bicycle within 25 feet from a speed of 10 mph [capable of making the braked wheel skid] on dry, level, clean pavement.

ARIZONA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to also include devices having three wheels in contact with the ground any of which is more than 16 inches in diameter.

Special Rules for the Operation of Bicycles

The following new provisions regarding the use of bicycle paths or lanes by vehicles were adopted:

D. A bicycle path or lane when designated as such by state or local authorities shall be deemed to be for the exclusive use of bicycles even though other uses are permitted pursuant to subsection E or otherwise permitted by state or local authorities.

E. No person shall operate, stop, park or leave standing a vehicle in a bicycle path or lane designated by state or local authorities except for use in the case of emergency or for use in crossing such path or lane to gain access to any public or private road or driveway. Nothing in this subsection shall prohibit the use in such path or lane by the appropriate local authority.

Bicycle Registration

The law which made it a misdemeanor to rent a bicycle with intent to defraud (p. 151) was repealed.

Miscellaneous Bicycle Laws

A law creating a bicycle safety fund within the state department of transportation and defining its purpose was enacted. Monies in the fund may be used only for bicycle paths and lanes and for bicycle safety programs.

ARKANSAS

Bicycle Registration

The law which prohibited the unauthorized use of bicycles and various other types of vehicles (p. 151) was amended so that it no longer refers to bicycles.

CALIFORNIA

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended to refer to a device propelled exclusively by human power through a belt, chain, or gears, and having two or more wheels [two or three wheels in a tandem or tricycle arrangement].

The definition of "vehicle" (p. 10) was amended to exclude devices moved exclusively by human power.

There is also a definition of "pedestrian" which is relevant to the legal status of bicycles; it provides as follows:

A pedestrian is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (p. 33) was amended to apply to a person riding a bicycle upon a roadway or any paved shoulder.

Special Rules for the Operation of Bicycles

The law regulating bicyclists' position on the roadway (p. 62) was extensively amended so as to apply only to a bicyclist traveling at less than the prevailing traffic speed, and to include three exceptions to the keep-to-the-right rule. The new law provides as follows:

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

The referenced § 21656 requires slow moving vehicles, including bicycles, to leave the roadway at a safe turnout in order to allow following vehicles to pass, when on a two-lane highway where passing is unsafe and when five or more vehicles are following.

The law describing the method for signaling a right turn was amended to require the hand and arm to be extended upward beyond the left side of the vehicle, except that a bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.

Three new sections regarding the use of bicycle lanes were adopted. Section 21208 regulates the use of such lanes by bicyclists:

(a) Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out of the lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(b) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 6 (commencing with Section 22100) in the event that any vehicle may be affected by the movement.

The other two new sections regulate the use of bicycle lanes by motor vehicles. Section 21209 provides:

Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway, or to prepare for a left turn.

This section does not prohibit the use of a motorized bicycle in a bicycle lane pursuant to Section 21207.5; provided, that no person shall operate a motorized bicycle upon a bicycle lane at a speed greater than is reasonable or prudent having due regard for visibility and the traffic on, and the surface of, the bicycle lane, and in no event, in a manner which endangers the safety of bicyclists utilizing the bicycle lane.

Section 21717 provides as follows:

Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane that is adjacent to his lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn and shall make the turn pursuant to Section 22100.

Two more new sections relate to the use of bicycle lanes and bicycle paths. Section 21207.5 prohibits operating a motorized bicycle on a bicycle path or trail, bikeway, or bicycle lane, unless it is within or adjacent to a roadway, or unless specifically permitted by local ordinance. Section 21966 prohibits pedestrians walking along a bicycle path or lane where there is an adjacent, adequate pedestrian facility.

The section which prohibited carrying a passenger on the handlebars (p. 99) was repealed, and the following new section was adopted:

No operator shall allow a person riding as a passenger, and no person shall ride as a passenger, on a bicycle upon a highway other than upon or astride a separate seat attached thereto. If the passenger is a minor weighing 40 pounds or less, the seat shall have adequate provision for retaining the minor in place and for protecting the minor from the moving parts of the bicycle.

A new provision relating to bicycle parking was adopted as follows:

No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

The equipment requirements for bicycles were modified extensively. The front light requirement (p. 110) was amended to require a bicycle operated on the highway during darkness to have a lamp emitting a white light which, while the bicycle is in motion, illuminates the highway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle, but a lamp attached to the operator and emitting a white light visible 300 feet to the front and sides may be used in lieu of the lamp required on the bicycle. The rear reflector requirement (p. 112) was amended to specify visibility from 500 [300] feet to the rear. The provision authorizing use of a red rear lamp in addition to the reflector (p. 114) was deleted. The requirement for pedal reflectors (p. 116) was amended to specify that they must be white or yellow. The requirement for side reflectors (p. 116) was amended to specify that those mounted forward of the center of the bicycle must be white or yellow [amber], and those mounted to

the rear of the center must be red or white; a bicycle equipped with reflectorized tires on the front and rear [amber reflectors mounted on the outside end of each pedal] is exempt from the other side reflector requirements. All bicycle reflectors and reflective tires must be of a type meeting requirements established by [approved by] the department. The following new law relating to reflectorized equipment was also adopted:

(a) No person shall sell, or offer for sale, a reflex reflector or reflectorized tire of a type required on a bicycle unless it meets requirements established by the department. If there exists a federal Consumer Product Safety Commission regulation applicable to bicycle reflectors, the provisions of that regulation shall prevail over provisions of this code or requirements established by the department pursuant to this code relative to bicycle reflectors.

(b) No person shall sell, or offer for sale, a new bicycle that is not equipped with a red reflector on the rear, a white or yellow reflector on each pedal visible from the front and rear of the bicycle, a white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with these side reflectors.

(c) Area reflectorizing material meeting the requirements of Section 25500 may be used on a bicycle.

The section prohibiting alteration of a bicycle to raise the pedals more than 12 inches from the ground (p. 120) was deleted. The following new section regulating the size of a bicycle in relation to its operator was added:

No person shall operate upon any highway a bicycle which is of such a size as to prevent the operator from safely stopping the bicycle, supporting it in an upright position with at least one foot on the ground, and restarting it in a safe manner.

Another new law relating to bicycle equipment provides that when an officer arrests a person for a violation relating to bicycle equipment, the officer may permit the arrested person to execute a notice containing a promise to correct the violation. Upon presentation of correction of the equipment violation, the charges will be dismissed.

Bicycle Registration

Both registration laws described in the 1974 Commentary (pp. 122-24) were repealed, and a new law providing for state registration when required by local ordinance was adopted. The principal features of the new law are as follows:

-- If a city or county has a bicycle licensing ordinance, a resident may not operate a bicycle subject to the requirement on any highway or other public property within the jurisdiction unless it is licensed.

-- The law applies to bicycles first sold as new on or after September 20, 1974. For purposes of the registration law, "bicycle" is defined as follows (p. 124):

Any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels.

-- Other bicycles may be required to be licensed under the local ordinance, or may be licensed at the request of the owner.

-- The state department of motor vehicles is to procure and distribute bicycle license indicia and registration forms to cities and counties, and collect a fee sufficient to defray costs. The indicia must be adhesive, durable, flexible, and of a size to permit it to be affixed to the front of the seat tube; it must bear a unique license number. Indicia for renewal must be a supplementary adhesive device to be affixed parallel to and above or below the original indicia; it must bear an expiration date. The registration forms must include spaces for the license number, the bicycle serial number, the bicycle make and type, and the name and address of the licensee.

-- Bicycle registration is valid for three years. Licenses are renewed uniformly throughout the state on January 1 of the third year following registration, to begin January 1, 1979. The fee charged is not more than \$2 per year for a registration and \$1 per year for renewal; \$1 for transfer and \$1 for a duplicate.

-- Cities and counties must maintain records of bicycle registrations throughout the registration period or until notified the bicycle is no longer in use.

-- New bicycles sold by dealers must bear a unique frame serial number. Dealers must supply each purchaser with a pre-registration form and a receipt bearing the name and address of the dealer, a description including the year and make of the bicycle, the serial number if the bicycle is delivered assembled, and the name and address of the purchaser. The purchaser must fill out the preregistration form and forward it to the licensing agency within 10 days of the purchase.

-- The law also includes provisions for transfer of a licensed bicycle from one owner to another, and a requirement for an owner to notify the licensing agency concerning any change of address.

-- Fines for violations may not exceed \$5, but bicycles in violation may be impounded and retained until compliance with the law is obtained.

Dealer Regulation

As noted above, the new state bicycle registration law imposes certain requirements on dealers. It also requires private sales of licensed bicycles to be reported.

Special Procedures and Penalties

As noted above, the new state bicycle registration law provides for impoundment of unlicensed bicycles.

Enabling Legislation

The law which generally authorizes local regulation of bicycles was amended to provide that the chapter does not prevent local authorities, by ordinance, from regulating the registration of bicycles and the parking and operation of bicycles on pedestrian or bicycle facilities, [the operation, use, licensing, or equipment of bicycles] provided such regulation does not conflict with the state code.

A new law specifies that local authorities may adopt rules and regulations by ordinance or resolution regarding the operation of bicycles on sidewalks.

Another new section specifies that local authorities may by ordinance or resolution prohibit bicycle parking in designated areas of a highway, provided that appropriate signs are erected.

The section authorizing local governments to establish bicycle lanes (p. 167) was amended as follows:

This chapter does not prevent local authorities [any city] from establishing, by ordinance or resolution, bicycle lanes separated from any vehicular lanes upon highways, other than state highways . . . and county highways [and from regulating the operation and use of bicycles and vehicles with respect to such bicycle lanes].

Bicycle lanes established pursuant to this section shall be constructed in compliance with provisions pertaining to bikeways in Section 2376 of the Streets and Highways Code.

The law relating to signs and markings for bikeways (p. 169) was repealed, but the same subjects are covered in a new state bikeways act. The new act has extensive provisions relating to bikeways, including definitions of various classes of bikeways, specifications for use of traffic-control devices on bikeways, procedures for planning and developing bikeways, funding provisions, and authority for local governments to establish bikeways.

Miscellaneous Bicycle Laws

A section in the highway code which establishes priorities for allocating funds for bikeway projects was amended. The law formerly gave first priority to bikeways projects which provided a completely separated right-of-way for the exclusive use of bicycles and pedestrians and which served the greatest volume of commuters. The new law directs the department to fund projects that serve the functional needs of commuting bicyclists including new bikeways, parking at employment centers, park-and-ride lots, and transit terminals, bicycle-carrying facilities on public transit vehicles, traffic control devices, and elimination of hazards, with consideration to the cost-effectiveness of a particular project.

The section specifying a 40-foot length limitation for all vehicles other than those exempted was amended by addition of the following new exemption:

A bus when the excess length is caused by a device attached to the rear of the bus designed and used exclusively for the transporting of bicycles. Such a device may be up to 10 feet in length, if such device, along with any other device permitted pursuant to this section, does not cause the total length of the bus, including any device, to exceed an overall length of 50 feet.

COLORADO

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to refer to a device propelled solely by human power.

The definition of "vehicle" (p. 10) was not amended, and still excludes devices moved by muscular power. Another section may contradict the definition in some applications; it provides as follows:

Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to bicycle or motorized bicycle riders, such term shall include bicycles and motorized bicycle riders, such term shall include bicycles and motorized bicycles.

The "article" includes the rules of the road, accident provisions, and equipment requirements, but it is unclear just which of these provisions would be "driving rules that are applicable to bicycles."

The definition of "roadway" was amended as follows:

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

Accident Requirements and Rules of the Road

The section which gives the bicyclist the same right and duties as the driver of a vehicle (p. 33) applies only when the bicycle is on a roadway "where bicycle travel is permitted."

The laws prohibiting reckless driving and careless driving were amended to specifically apply to bicyclists as follows:

Any person who drives any motor vehicle, bicycle, or motorized bicycle in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or motorized bicycle shall not be subject to the provisions of section 42-2-123.

Any person who drives any motor vehicle, bicycle, or motorized bicycle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of section 42-2-123.

The referenced § 42-2-123 relates to driver license suspensions under a point system.

Special Rules for the Operation of Bicycles

The section on riding abreast (p. 64) was amended so that the exception refers to lanes [paths] or parts of roadways set aside for the exclusive use of bicycles.

The provision authorizing restrictions on the use of controlled-access highways (p. 68) was amended to authorize the exclusion of any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic [bicycles and other named classes of traffic] from controlled-access highways [roadways].

Regarding the required use of paths and trails in lieu of adjacent roadways (p. 85), one section still duplicates UVC § 11-1205(c); the second section (quoted here because one line was omitted in the original Commentary) was amended only in non-substantive ways and now reads as follows:

Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the state department of highways may, subject to the provisions of section 43-2-135, C.R.S. 1973, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation,

those heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the state department of highways or local authority shall erect appropriate official signs giving notice thereof; except that with respect to controlled-access highways the provisions of section 42-4-910(3) shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.

Regarding the use of bicycle lanes, a new law specifically permits motorized bicycles to be operated in such lanes.

Enabling Legislation

The law regarding signs and markings for bikeways (p. 169) was repealed.

Miscellaneous Bicycle Laws

The following law relates to a digest of regulations applicable to bicyclists:

For the sake of uniformity and bicycle and motorized bicycle safety throughout the state, the department in cooperation with the state department of highways shall prepare and make available to all local jurisdictions for distribution to bicycle and motorized bicycle riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles or motorized bicycles. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

CONNECTICUT

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended as follows:

The term [terms] "bicycle" [and tricycle], as used in this section, includes all vehicles propelled by the person riding the same by foot or hand power or a helper motor having a capacity of less than fifty cubic centimeters piston displacement and rated not more than two brake horsepower and capable of a maximum speed of no more than thirty miles per hour and equipped with automatic transmission and operable pedals.

This definition is part of section 14-286, which requires bicyclists to give audible signal before passing a pedestrian, to yield to pedestrians on the sidewalk, and to not ride on sidewalks where prohibited by regulations or local ordinances. The definition, according to its terms, applies to section 14-286, but it does not have general application. Some of the other sections which regulate bicycles apply to "a bicycle, as defined by section 14-286." Other bicycle provisions apply simply to bicycles, without any reference to the definition.

The definition of the term "vehicle" which applies to the rules of the road, (but not to the accident or equipment requirements) does not specify whether bicycles are vehicles. That definition provides as follows:

The terms "vehicle" and "motor vehicle" shall, for the purposes of this chapter, be synonymous and interchangeable and shall apply to all vehicles used on the public highways unless another meaning is clearly apparent from the language or context or unless such construction is inconsistent with the manifest intention of the general statutes.

As reported in the original Commentary (p. 10) another definition, which might be used to help interpret the above definition, specifically excludes devices propelled or drawn by human power.

Accident Requirements and Rules of the Road

The provision on rights and duties of bicyclists (p. 33) was amended as follows:

Every person riding a bicycle, as defined by section 14-286, [or tricycle] upon the travelled portion of a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any vehicle subject to the requirements of the statutes relating to motor vehicles, except as to those provisions which by their nature can have no application and except that each town, city or borough and the state traffic commission within its jurisdiction as provided in section 14-298 shall have authority to regulate bicycles as provided in section 14-289 and said section 14-298, and except as provided by section 14-286c.

The referenced § 14-298 authorizes the state traffic commission to adopt regulations governing use of state highways by bicycles and other traffic. Section 14-289 authorizes regulation of bicycle use by municipalities. Section 14-286c relates to turns and turn signals by bicyclists.

Special Rules for the Operation of Bicycles

The section on riding abreast (p. 64) was amended by the addition of the following new language:

Persons riding two abreast, as provided in this subsection, shall not impede the normal and reasonable movement of traffic, and, on a laned roadway, shall ride within a single lane.

The following new section regulates bicycle turns; it allows an alternate course for a left turn and a right-hand signal for a right turn, and it specifies that turn signals need not be continuously given:

(a) Each person riding a bicycle upon the travelled portion of a highway and intending to make a left turn after proceeding pursuant to the provisions of section 14-244 or subsection (b) of

this section, may in lieu of the procedure prescribed by section 14-241, approach as close as practicable to the right-hand curb or edge of the highway, proceed across the intersecting roadway and make such turn as close as practicable to the curb or edge of the highway on the far side of the intersection, provided such procedure is not prohibited by any regulation issued by any town, city, borough or the state traffic commission.

(b) Each person riding a bicycle upon the travelled portion of a highway and intending to make a right turn may in lieu of the procedure prescribed by section 14-244, before turning and while in motion or if stopped while waiting to turn signal such turn by extending his right hand and arm horizontally with forefinger extended.

(c) No person operating a bicycle upon the travelled portion of a highway and intending to make a right or left turn shall be required when making a signal of such intention to make such signal continuously.

The provision establishing a 10 mph speed limit for bicycles (p. 78) was repealed.

The section on clinging to vehicles (p. 81) was amended as follows:

No person riding upon any bicycle, roller skates, sled, skateboard, coaster or toy vehicle shall attach the same or himself to any vehicle moving or about to move on a public roadway nor shall the operator of such vehicle knowingly permit any person riding a bicycle, roller skates, skateboard, coaster, sled or toy vehicle to attach the same or himself to such vehicle so operated or about to be operated, provided any person operating a bicycle solely by foot or hand power may attach a bicycle trailer or semi-trailer thereto, provided such trailer or semi-trailer is designed for such attachment.

The section which required use of a bicycle path adjacent to a roadway instead of riding on the roadway (p. 84) was repealed.

The requirement to give an audible signal before passing any person (p. 97) was incorporated into the following section which also includes a new requirement to yield to pedestrians on a sidewalk or crosswalk, and a new prohibition of riding on sidewalks where prescribed by regulation or local ordinance:

Each person operating a bicycle upon and along a sidewalk or across any roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal within a reasonable distance before overtaking and passing such pedestrian. Each person operating a bicycle upon a roadway shall within a reasonable distance give an audible signal before overtaking and passing a pedestrian or another bicycle operator. No person shall operate a bicycle upon or along a sidewalk or across a roadway upon and along a crosswalk, when the operation of bicycles in such areas is prohibited by any ordinance of any city, town or borough or by any regulation of the state traffic commission issued or adopted pursuant to the provisions of section 14-298.

Another new section gives bicyclists on a sidewalk or crosswalk the same rights and duties as pedestrians:

Every person operating a bicycle solely by hand or foot power upon and along any sidewalk or across any roadway upon and along any crosswalk shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians walking in such areas as provided by the general statutes, except as provided otherwise by any ordinance of any city, town or borough or any regulation of the state traffic commission issued or adopted pursuant to the provisions of section 14-289.

The provision on carrying too many persons on a bicycle (p. 99) was repealed, and the following new section on the same subject was adopted:

No person operating a bicycle, as defined by section 14-286, upon a roadway, path or part of roadway set aside for exclusive use of bicycles shall carry on such bicycle a passenger unless such bicycle is equipped or designed to carry passengers, provided any person who has attained the age of eighteen years may carry any child while such person is operating a bicycle propelled solely by foot or hand power, provided such child is securely attached to his person by means of a back pack, sling or other similar device. The term "child," as used in this subsection, means any person who has not attained the age of four years.

The following new section relating to keeping the hands on the handlebars was adopted:

No person operating a bicycle, as defined by section 14-286, shall carry any package, bundle or other article which prevents such person from using both hands in the operation of such bicycle. Each person operating such bicycle shall keep at least one hand on the handlebars thereof when such bicycle is in motion.

Bicycle equipment requirements (pp. 110, 112, 117 and 119) were amended as follows: The required front lamp must emit light visible from 500 [400] feet to the front. The rear reflector or reflecting taillight lens must be visible at a distance of not less than 600 feet to the rear when illuminated by the head lamps of a motor vehicle; formerly no rear reflector visibility distance was specified. Bicycles must also be equipped with reflective material so placed and of sufficient size and reflectivity to be visible from both sides at a distance of not less than 600 feet when illuminated by the head lamps of motor vehicles. Bicyclists may not use a siren or whistle. [Bicycles must be equipped with a suitable alarm bell or horn.] Bicycles must be equipped with a braking device sufficient to enable the operator to stop within 25 feet on dry, level, and clean pavement when moving at a speed of 10 mph [to lock a wheel of such bicycle while in motion.]

Special Procedures and Penalties

The requirement to prosecute the offenses defined in one section within 15 days of entry of a not-guilty plea [of the date of the offense] (p. 165) was retained, but the content of the section was changed: It requires bicyclists to give an audible signal [sound a bell or horn] before overtaking and passing a pedestrian, to yield to pedestrians on the sidewalk, and to not ride on sidewalks where prohibited by regulations or local ordinances [to obey a 10 mph speed limit and to have the bicycle equipped with a suitable bell or horn]; the section also imposes requirements applicable to operation of a bicycle with a helper motor.

DELAWARE

Legal Status of Bicycles

The following new definition of the term "bicycle" was adopted:

"Bicycle" shall mean that certain class of vehicles which are exclusively human-powered by means of foot pedals, which the driver normally rides astride, which have not in excess of three wheels and which may be commonly known as unicycles, bicycles and tricycles.

Special Rules for the Operation of Bicycles

The section which authorized the exclusion of bicycles and other named classes of traffic from controlled-access roadways upon erection of appropriate signs (pp. 68-70) was repealed. In its place, the following new section which prohibits bicycles from controlled-access highways was adopted:

On any state highway designated by the Department of Transportation as a "controlled-access highway, "no person shall: . . . (7) Operate or drive a bicycle;

Signs are not required to give effect to this prohibition.

The following new section was adopted to allow use of a bicycle trailer:

A trailer or semitrailer designed for attachment to a bicycle may be used when securely attached thereto.

A new section provides that mopeds and tripeds (three-wheeled mopeds) may not be operated on any path set aside for the exclusive use of bicycles unless the helper motor has been turned off.

A new section was adopted to regulate the use of sidewalks and bicycle paths by motor vehicles and bicycles. Motor vehicles are prohibited, except at driveways; bicyclists must give an audible signal before passing pedestrians; and bicycles are prohibited on some sidewalks. The new section provides as follows:

(a) No person shall drive any motor vehicle upon a sidewalk or bicycle path or sidewalk area or bicycle path area except upon a permanent or duly authorized temporary driveway.

(b) A person riding a bicycle upon a sidewalk or bicycle path lawfully used by pedestrians shall give audible signal before overtaking and passing such pedestrian.

(c) A person shall not ride a bicycle upon a sidewalk in a business district, when use of a sidewalk is prohibited by official traffic-control devices or when a usable bicycle-only lane has been provided adjacent to the sidewalk.

FLORIDA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended so as to include mopeds.

The definition of "vehicle" (p. 10) was amended to exclude bicycles and mopeds [devices moved by human power].

Special Rules for the Operation of Bicycles

A new section was adopted to prohibit operating a motor vehicle or moped upon a bicycle trail, except at a driveway.

The requirement for a rear reflector (p. 111) or a rear light (p. 114) is as follows:

After sundown, every bicycle shall be equipped with . . . a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that a red reflector meeting the requirements of this section may be used in lieu of the red light.

Another subsection specifies that none of the special rules for the operation of bicycles applies on any street while set aside as a play street.

GEORGIA

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended to include every device propelled by human power [through a belt, chain, or gears] upon which any person may ride, having only two wheels which are in tandem either of which is more than 13 inches in diameter.

The definition of "vehicle" (p. 10) was amended by deleting the phrase, "except devices moved by human power;" the term now includes bicycles.

The definition of "roadway" (p. 28) was amended to encompass that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Accident Requirements and Rules of the Road

The section on rights and duties of a bicyclist on the highway (p. 33) was repealed. In its place, the definition of "vehicle" was revised as noted above, and the following new section was enacted:

The provisions of this Title that apply to vehicles, but not exclusively to motor vehicles, shall apply to bicycles except that the penalties prescribed in Code sections 68A-901(b), 68A-902(a), and 68A-903(a) shall not apply to persons riding bicycles.

The referenced penalty sections are for reckless driving, driving while under the influence, and homicide by vehicle.

Special Rules for the Operation of Bicycles

The following new provision relating to the application of special bicycle rules was adopted:

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon a highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

The provision requiring bicyclists to keep to the right (p. 62) was amended as follows:

Every person operating a bicycle upon a [highway or] roadway shall ride as near to the right side of the roadway [road] as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

The following new section regarding riding abreast was adopted:

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

The law authorizing restrictions on the use of controlled-access highways (pp. 68-70) was amended to authorize appropriate state and local agencies to regulate or prohibit the use of any controlled-access roadway [limited-access highway, street, or roadway] by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic [by any bicycles and other named classes of traffic]. Signs are still required to implement such controls.

The law requiring bicyclists to use an available path instead of the roadway (p. 85) was amended as follows:

Wherever a usable path or sidewalk designated for use of bicycle riders [for bicycles] adjacent to a [highway or] roadway has been provided, bicycle riders shall use such path or sidewalk and shall not use the [highway or] roadway.

The section requiring bicyclists to ride upon the seat was amended as follows:

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, and will allow no person to ride upon the handlebars.

Regarding the section requiring pedal reflectors (p. 116), the specific exception for bicycles with wheels of 13 inches diameter or less was deleted, but (as noted above) that exception is now part of the definition of "bicycles."

The section requiring brakes on bicycles (p. 119) was amended as follows:

Every bicycle sold or operated shall be [No person shall operate a bicycle on a highway or road-wah unless it is] equipped with a brake which will enable the operator to make the braked wheels [rear braked-wheel] skid on dry, level [clean] pavement.

Special Procedures and Penalties

The following new section relating to violations by children (p. 163) was adopted:

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

Enabling Legislation

The following provision broadly authorizes administrative regulation of bicycles:

The Commissioner of Public Safety is authorized to promulgate rules and regulations to carry this article into effect, and is authorized to establish regulations for any additional safety equipment or standards he shall require for bicycles.

The provisions relating to local regulation of bicycles was amended to remove authority for local regulation of bicycles other than registration as follows:

The provisions of this Title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

. . .
(7) [Regulating the operation of bicycles and] Requiring the registration and inspection [licensing] of bicycles, including the requirement of a registration fee;

The provision authorizing local establishment and regulation of bicycle lanes (p. 167) was repealed.

HAWAII

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended as follows:

"Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels, sixteen inches in diameter or greater, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

A new definition of "pedestrian" may also be relevant to the legal status of bicycles; it provides as follows:

"Pedestrian" means any person afoot, in an invalid chair, or in a vehicle propelled by a person afoot.

Special Rules for the Operation of Bicycles

The section on application of the special bicycle rules (p. 57) was amended as follows:

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any bicycle path set aside for the preferential or exclusive use of bicycles subject to those exceptions stated herein.

The law regulating bicyclists' position on the roadway (p. 61) was extensively amended so as to apply only to a bicyclist traveling at less than the prevailing traffic speed, and to include three exceptions to the keep-to-the-right rule. The new law provides as follows:

Every person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the right-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; except under any of the following situations:

(1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic control devices;

(2) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or

(3) When a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a bicycle may ride as near to the left-hand curb or edge of such roadway as practicable.

The section which permitted riding two abreast on the roadway (p. 64) was repealed. A new section which requires riding single file was adopted as follows:

Persons riding bicycles upon a roadway shall ride in single file; provided that upon bicycle lanes and bicycle paths, riding two abreast shall be permitted when such lane or path is of sufficient width to allow riding two abreast unless otherwise prohibited by rule or ordinance adopted by the director of transportation or by the counties.

The section which required bicyclists to use a bicycle path adjacent to the roadway (p. 84) was repealed. A new section requires the use of bicycle lanes under some circumstances as described below. The term "bicycle lane" is so defined as to include a bicycle path adjacent to the roadway if it is within the highway right of way. Thus, to some extent, the new requirements described below replace the former section.

New provisions concerning bicycle facilities were adopted. One new section defines four categories of bicycle facilities:

"Bicycle lane" means that portion of any highway which has been set aside for the preferential or exclusive use of bicycles.

"Bicycle path" means any facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway.

"Bicycle route" means any highway that is designated to be shared by bicycles and pedestrians or motor vehicles, or both.

"Bikeway" means a bicycle lane, bicycle path, or bicycle route, or any traffic control device, shelter, parking facility, or other support facility to serve bicycles and persons using bicycles.

Another new section regulates the use of bicycle lanes and bicycle paths by bicyclists:

(c) Whenever a usable bicycle lane has been provided on a highway, any person operating a bicycle at a speed less than the normal speed of traffic moving in the same direction at such time shall ride within such bicycle lane, except that such person may move out of the lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane;

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(d) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the event that any vehicle may be affected by the movement.

(e) No person shall operate or ride a bicycle within a bicycle lane in any direction except that permitted of vehicular traffic traveling on the same side of the highway. Upon all bicycle paths of sufficient width and providing for two-way movement of bicycle traffic, bicycles proceeding in opposite directions shall pass each other to the right.

Another new section authorizes prohibition of mopeds on bikeways, bicycle lanes, and bicycle paths:

(f) The director of transportation by rule and the counties by ordinance may with respect to bikeways under their respective jurisdictions restrict or prohibit the use of such bikeways by mopeds.

(g) The counties may, by ordinance, post bicycle lanes and bicycle paths to prevent persons riding a bicycle equipped with a motor from using them.

A section which formerly prohibited driving any vehicle on a sidewalk except at a driveway was amended to also generally prohibit driving a vehicle on a bicycle lane or path, with certain exceptions enumerated. The amended section provides as follows:

No person shall drive any vehicle upon a bicycle lane, bicycle path, sidewalk, or sidewalk area except upon a permanent or authorized temporary driveway; provided that any vehicle may be driven in a bicycle lane or bicycle path as applicable if:

- (1) It is in the process of executing a legal turn, lane change, or parking maneuver;
- (2) It is an authorized emergency vehicle performing the function under section 291C-26;
- (3) It is an official federal, state, or county vehicle in the performance of its actual duty;
- (4) It is a stalled or broken vehicle;
- (5) It is necessary to assist a stalled or broken vehicle;

- (6) It is necessary to yield to an authorized emergency vehicle pursuant to section 291C-65; or
- (7) It is otherwise provided by law.

The provisions on lighting equipment were extensively revised. The former section requiring a front light (p. 109) and a rear reflector (p. 111), and authorizing a rear light (p. 114) was repealed. The new section provides as follows:

(a) Any bicycle used upon any highway from thirty minutes after sunset until thirty minutes before sunrise shall display a lighted lamp, facing forward, which shall meet the following specifications:

- (1) Emit a white light;
- (2) Be visible at night when viewed from any direction within thirty degrees to each side of the longitudinal axis toward the front of the bicycle from a distance of at least five hundred feet.

(b) A tail lamp when used on a bicycle shall meet the following specifications:

- (1) Emit a red light; and,
- (2) Be visible at night when viewed from any direction within thirty degrees to each side of the longitudinal axis toward the rear of the bicycle from a distance of at least five hundred feet.

(c) A lamp meeting the specifications of subsections (a) and (b) displayed on the left arm or left leg of the bicycle operator shall be considered to meet the requirements of subsections (a) and (b).

(d) After December 31, 1974, no person shall use any bicycle upon any highway from thirty minutes after sunset until thirty minutes before sunrise unless the bicycle or the operator is equipped with Class A reflectors meeting the specifications of the Society of Automotive Engineers Standard J594d-1970, or an area of reflectorized material, as follows:

- (1) A crystal (white) reflector with a minimum of three square inches in area or six square inches of white reflectorized material on the front facing straight ahead in a position which will not be obstructed at any time when viewed from the front of the bicycle;

(2) An amber reflector with a minimum of three square inches in area or twelve square inches of amber reflectorized material on each side facing outward;

(3) Amber reflectors on both front and rear surfaces of all pedals;

(4) A red reflector with a minimum of three square inches in area facing to the rear in a position which will not be obstructed at any time when viewed from the rear; and

(5) The requirements of item (2) of this subsection shall not apply to bicycles having a reflectorized finish covering the entire bicycle frame.

Bicycle Registration

The law requiring bicycles to be taxed annually and registered (pp. 124-5) was amended to specify an annual tax of \$3 [\$1]; the agency for registration is the director of finance [county treasurer]; the indicia of registration is a metallic tag or a decal, and the indicia is to be attached to the bicycle on the front of the seat tube; upon initial registration, the director of finance must require proof of ownership and must require the owner to furnish verification of [examine the bicycle to verify] the correct serial number and description contained in the proof of ownership and application for registration.

New sections relating to bicycle taxation and registration provide that bicycles held in stock for sale are exempt from the requirement provided that at the time of sale the dealer requires the buyer to complete the registration procedure; and that all bicycle taxes collected are to be deposited in a bikeway fund to be used for the following specified purposes only:

(1) For acquisition, design, construction, improvement, repair, and maintenance of bikeways, including the installation and repair of storm drains and bridges;

(2) For installation, maintenance, and repair of bikeway lights and power, including replacement of old bikeway lights;

(3) For purposes and functions connected with traffic control and preservation of safety upon bikeways; and

(4) For payment of interest on and redemption of bonds issued to finance bikeway construction and improvements.

IDAHO

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended as follows:

Bicycle -- Every vehicle [device] propelled exclusively by human power upon which any person may ride, having two tandem wheels [either of which is more than 20 inches in diameter] except scooters and similar devices.

The definition of "vehicle" (p. 10) was amended by deleting the phrase, "except devices moved by human power;" the term now includes bicycles.

The term "roadway" (p. 27) was amended as follows:

Roadway. -- That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Special Rules for the Operation of Bicycles

The law authorizing restrictions on the use of controlled-access roadways (pp. 68-70) was amended to authorize appropriate state and local agencies to regulate or prohibit the use of any controlled-access roadway or highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic [bicycles and other named classes of traffic]. Signs are still required to implement the controls.

Enabling Legislation

The section authorizing local governments to regulate the operation of bicycles and to require bicycle registration (p. 166) was repealed.

Miscellaneous Bicycle Laws

The following new section protects pedestrians, and bicyclists and other persons propelling human-powered vehicles:

Notwithstanding other provisions of this title or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

ILLINOIS

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists on the roadway (p. 33) was amended as follows:

Every person riding a bicycle [or an animal or driving any animal drawing a vehicle] upon a roadway shall be granted all of the rights and shall be subject to all of the duties [the provisions of this Chapter] applicable to the driver of a vehicle by this Act, except as to special regulations in this article and except as to those provisions of this Act [Chapter] which by their nature can have no application.

Special Rules for the Operation of Bicycles

The section requiring bicyclists on the roadway to keep to the right (p. 62) was amended as follows:

Every person operating a bicycle upon a roadway [or a designated bicycle pathway] shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

A new section was adopted to require bicyclists on the roadway to ride single file (p. 65):

Persons riding bicycles upon a roadway shall ride single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

The following new section was adopted to prohibit clinging to vehicles (p. 82):

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway.

The section requiring bicyclists to use an adjacent path instead of the roadway (p. 86) was amended as follows:

Whenever a usable path [or surface] for bicycles has been provided for adjacent to a roadway [and designated by official traffic control devices], bicycle riders shall use such path [or surface] and shall not use the roadway.

The following new provisions were adopted to require riding on the seat (p. 98), to prohibit carrying too many (p. 100), and to prohibit carrying articles which prevent keeping both hands on the handlebars (p. 103):

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping both hands upon the handlebars.

The equipment requirements for bicycles were extensively amended. Lights and reflectors are required when a bicycle is used at nighttime [during the period when lighted lamps are required by another section]. The section relating to the rear reflector (p. 112) was amended to require a red [reflex] reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle [conforming to specifications prescribed by the Department]. The section relating to the rear light (p. 114) was amended to allow a lamp emitting a red light visible from a distance of 500 feet to the rear in addition to the required red reflector. The provision requiring side reflectors (p. 116) was amended to require the reflectors to be either essentially colorless or amber to the front of the bicycle center and red to the rear of the bicycle center; the side reflector requirement may be met by reflective material at least three-sixteenths of an inch wide on each side of each tire or rim indicating the circular shape and size of the tire or rim. The requirement for a clear reflector on the front of the bicycle (p. 116) was repealed. The requirement for an audible warning device and the prohibition of use of a whistle (p. 117) were both deleted; that section now

merely prohibits use of a siren on a bicycle. The brake section (p. 119) was amended to require a brake which will adequately control the movement of and stop and hold a bicycle [will enable the operator to make the braked wheels skid on dry, level, clean pavement].

INDIANA

Legal Status of Bicycles

The definition of the term "therapeutic bicycle" (p. 6) was repealed.

Special Rules for the Operation of Bicycles

The following section which was omitted from the original Commentary appears to relate to the application of the traffic laws to bicyclists (p. 33) and perhaps also to the bicyclist's position on the roadway (p. 61); its precise meaning is unclear.

The operator of any bicycle upon any public highway shall observe each and all of the regulations and requirements of this act [9-4-1-1 -- 9-4-1-137] as these apply to the usage of the right lane of the highway in travel, the stoppage and proceeding in accord with traffic signals, and the utilization of prescribed manual signs for the guidance of other traffic.

Miscellaneous Bicycle Laws

The following law was amended to protect bicyclists as well as pedestrians:

Notwithstanding other [the foregoing] provisions of this chapter [act] or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle [upon a roadway] and shall give an audible signal [warning by sounding the horn] when necessary and shall exercise proper precaution upon observing any child or any obviously confused, [or] incapacitated or intoxicated person [upon a highway].

KANSAS

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists on the roadway (p. 33) was amended as follows:

Every person riding a bicycle [or an animal or driving any animal drawing a vehicle] upon a roadway shall be granted all of the rights and shall be subject to all of the duties [the provisions of this act] applicable to the driver of a vehicle by this act, except as otherwise provided in K.S.A. 8-1586 to 8-1592, inclusive, and except as to those provisions of this act which by their nature can have no application.

Special Rules for the Operation of Bicycles

The following new section relating to the application of the special bicycle rules (p. 58) was adopted:

The provisions of K.S.A. 8-1587 to 8-1592, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

The law requiring a red reflector on the rear (p. 111) was amended to require it to be visible at all distances from 100 to 600 feet to the rear when directly in front of lawful lower [upper] beams of head lamps on a motor vehicle.

The section relating to the rear light (p. 114) was amended to specify that a lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector; formerly the section required the red light but provided that in lieu of the light, a red reflector could be used.

Special Procedures and Penalties

The following new section relating to violations by children (p. 163) was adopted:

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of K.S.A. 8-1587 to 8-1592, inclusive.

Enabling Legislation

The section authorizing local regulation of bicycles (p. 166) was amended to refer to registration and inspection [licensing] of bicycles.

KENTUCKY

Legal Status of Bicycles

The following new definition of "roadway" (p. 28) was adopted:

"Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any roadway separately but not to all such roadways collectively.

Special Rules for the Operation of Bicycles

Regarding bicycle equipment, the following new section authorizes regulations which would preempt statutory requirements for a front light (p. 110), rear light or reflector (p. 115), and horn or other audible device (p. 117).

The department of transportation may promulgate bicycle safety regulations and standards. Bicycle riders and bicycles complying with such regulations and standards are exempt from the provisions of KRS 189.040(9), 189.050(1), 189.050(5), and 189.080. Such bicycles and riders are also exempt from municipal and other local government regulations concerning safety equipment but not method of operation. In promulgating regulations and standards the department of transportation shall permit use of lightweight modern technological substitutes for lights, reflectors and bells. The purpose of this section is to encourage bicycling and bicycle touring in this state by enabling bicycle riders to make use of modern technology to make their presence known to other users of the road. The department of transportation may consult with organizations of bicycle riders to aid it in the search for bicycle safety equipment and rules convenient for long distance bicycle riders.

Bicycle Registration

The law which made it illegal to tamper with a bicycle (p. 151) was repealed.

LOUISIANA

Special Rules for the Operation of Bicycles

The section which contains all of the bicycle light and reflector requirements was amended to specify as follows: This section shall not apply to bicycles while engaged in sanctioned competition races.

The provision relating to the rear reflector (p. 112) was amended to require a red reflector on the rear of a type approved by the department which must be visible from all distances within 600 [350] feet to 100 feet to the rear when directly in front of lawful lower [upper] beams of headlamps on a motor vehicle. After December 31, 1974, no person may sell or offer for sale any bicycle not equipped with the required red reflector on the rear.

The bicycle equipment section was further amended to require bicycles used at nighttime to be equipped with a reflector on each side facing outward at a right angle to the bicycle frame, of a type approved by the department which shall be visible from all distances within six hundred feet to one hundred feet when directly in front of lawful lower beams of headlamps on a motor vehicle.

Enabling Legislation

The following section authorizes local authorities to register bicycles, but does not specifically authorize regulation of their operation; it was omitted from the original Commentary:

The provisions of this Chapter shall not be deemed to prevent local municipal authorities, with respect to highways other than state maintained highways within their corporate limits, from adopting ordinances:

. . .
(7) Requiring the registration and licensing of bicycles, including the requirement of a registration fee;

A new section was adopted requiring state and local officials to restrict the use of bicycle paths to pedestrians and non-motorized vehicles; it is not part of the vehicle code, however.

MAINE

Special Rules for the Operation of Bicycles

The section requiring bicyclists on the roadway to generally keep to the right (p. 61) was amended to include mopeds and by the addition of the following new language:

This paragraph shall not apply to municipalities which, by ordinance, and with the approval of the Department of Public Safety and the Department of Transportation, shall make other provisions for the location of bicycle or moped traffic.

MARYLAND

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was extensively amended as follows:

"Bicycle" means a vehicle that: (1) Is designed to be operated by human power; (2) Has two or three wheels, of which one is more than 14 inches in diameter; (3) Has a rear drive; and (4) Has a wheel configuration as follows: (i) If the vehicle has two wheels, with both wheels in tandem; or (ii) If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle.

[Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter.]

A new definition of "play vehicle" was adopted to include two or three-wheeled, human-powered vehicles which are not bicycles.

The definition of "highway" was amended to mean the entire width between the boundary lines of any way or throughfare [of any kind] of which any part is used by the public for vehicular travel, whether or not it has been dedicated to the public and accepted by proper authority.

The definition of "roadway" was amended to mean the part of a highway that is improved, designed, or ordinarily used for vehicular travel, other than [exclusive of the berm or] the shoulder.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (p. 32) was amended to apply on a "public bicycle area" rather than just on a roadway. The section was amended as follows:

Every person operating a bicycle in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:

(1) As otherwise provided in this subtitle; and
(2) For those provisions of this title that by their very nature cannot apply. [Every person riding a bicycle upon a roadway shall be granted all of the rights and subject to all of the duties applicable to the driver of a vehicle by this subtitle, except as to special regulations in this part and except as to those provisions of this article which by their nature can have no application.]

The referenced § 21-504 requires the driver of a vehicle to exercise due care to avoid colliding with a pedestrian. The following new section was adopted to define "public bicycle area," as used in the above section and in some provisions described below:

"Public bicycle area" means any highway, bicycle path, or other facility or area maintained by this State, a political subdivision of this State, or any of their agencies for the use of bicycles.

The section requiring written accident reports (p. 41) was amended to require such reports from the driver or owner of a [motor] vehicle involved in certain accidents; it would not apply to bicycle drivers.

Special Rules for the Operation of Bicycles

The section describing the required position for a bicyclist on a roadway (p. 61) was amended as follows:

Each [Every] person operating a bicycle on a roadway: (1) Shall ride as near to the right side of the roadway as practicable and safe, except when making or attempting to make a left turn, when operating on a one-way street, or when passing a stopped or slower moving vehicle; . . . (3) Shall exercise [exercising] due care when passing a [standing] vehicle [or one proceeding in the same direction]. (4) May walk a bicycle on the right side of a highway if there is no sidewalk.

The section relating to riding abreast (p. 64) was amended as follows:

Each person operating a bicycle on a roadway:
... (2) May ride two abreast only if the flow of traffic is unimpeded; [Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.]

Regarding restrictions on the use of controlled-access highways, in addition to the law described in the original Commentary (pp. 68-70), Maryland has a law which authorizes appropriate state and local officials to prohibit the use of controlled-access highways by bicycles and other named classes of traffic; signs are required to give effect to the prohibition. In addition, the following new section was adopted to prohibit bicycles on controlled-access highways, except on a bicycle path:

Notwithstanding any other provision of this title, a person may not ride a bicycle: . . .
(2) On any controlled access highway, except on an adjacent bicycle path or way approved by the State Highway Administration.

Another new section prohibits bicycles on toll bridges and tunnels and the approaches thereto.

The section which formerly prohibited riding a bicycle on a dual lane highway where the speed limit exceeded 35 mph (p. 73) was amended to prohibit riding a bicycle on any roadway where the speed limit is more than 50 mph.

The section specifying the method of giving a hand and arm signal for a right turn was amended to provide that the signal is given by the left hand and arm extended upward from the left side of the vehicle, except that a bicyclist may extend the right hand and arm horizontally to the right.

The turn signal requirement was further amended to specify that when required a turn signal must be given continuously during the last 100 feet before turning, except that a bicyclist may interrupt the turning signal to maintain control of the bicycle.

The law which prohibits clinging to vehicles (p. 81) was amended by adding "skateboards" and "play vehicles" to the listed devices, and by adding the following new exception:

This section does not apply to any log skid, drag, or farm sled while used in agricultural or forestry practices.

The section requiring bicyclists to use an available path instead of the roadway (p. 84) was repealed. In its place the following new section relating to the use of bike lanes and shoulders instead of the roadway was adopted:

(1) Where there is a bike lane paved to a smooth surface or a shoulder paved to a smooth surface, a person operating a bicycle shall use the bike lane or shoulder and may not ride on the roadway, except in the following situations:

(i) When overtaking and passing another bicycle, pedestrian, or other vehicle within the bike lane or shoulder if the overtaking and passing cannot be done safely within the bike lane or shoulder;

(ii) When preparing for a left turn at an intersection or into an alley, private road, or driveway;

(iii) When reasonably necessary to leave the bike lane or shoulder to avoid debris or other hazardous condition.

(2) A person operating a bicycle may not leave a bike lane or shoulder until the movement can be made with reasonable safety and then only after giving an appropriate signal.

(3) The department shall promulgate rules and regulations pertaining to this subsection which will include, but not be limited to, a definition of "smooth surface."

The following new related definitions were also adopted:

"Bikeway" means any trail, path, sidewalk, part of the roadway or shoulder, or any other travelway so designated by signing, or signing and marking for the use of bicycles. A bikeway includes a bike lane.

"Bike lane" means a portion of a roadway which has been designated for preferential or exclusive use by bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe, curb or other similar device.

"Shoulder" means that portion of a highway contiguous with the roadway for the accomodation of stopped vehicles, for emergency use, and for the lateral support of the base and surface courses of the roadway.

The section prohibiting turns unless they can be made with safety was amended to refer to turns from a bikeway or shoulder as follows:

A person may not: . . . (2) Turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move it right or left on a roadway or from a shoulder or bikeway onto a roadway, unless the movement can be made with reasonable safety;

The section prohibiting driving a vehicle upon a sidewalk except at a driveway was amended to specify that where permitted by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk.

The section requiring bicyclists to ride upon the seat (p. 97) was reworded:

The operator of a bicycle may ride the bicycle only on or astride a permanent and regular seat securely attached to it. [A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.]

The section on carrying too many (p. 99) was amended as follows:

A bicycle may not carry any passenger unless it is designed for and equipped with a seat securely attached to it for each passenger. [No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.]

The section relating to hands on handlebars (p. 102) was amended to prohibit carrying any package, bundle, or other article that prevents keeping both hands [at least one hand] on the handlebars, or that interferes with the view or balance of the operator.

The following new section relates to bicycle parking:

(a) Prohibition. -- A person may not secure a bicycle to:

(1) A fire hydrant, police or fire call box, or traffic control device;

(2) A pole, meter, or device located within a bus or taxi-loading zone;

(3) A pole, meter, or device located within 25 feet of any intersection;

(4) A pole, meter, or device on which notice has been posted by the appropriate authorities forbidding the securing of bicycles; or

(5) Any place where the securing of a bicycle would obstruct or impede vehicular traffic or pedestrian movement.

(b) Securing to parking meter. -- A bicycle may be secured to a parking meter, without payment of the usual fees, if the bicycle is entirely removed from the bed of the street normally used for vehicular parking.

Another new section prohibits removing, riding, or tampering with any part of any bicycle without the permission of the owner.

Miscellaneous Bicycle Laws

The following new law protects bicyclists from thrown objects and opening doors:

A person may not: (1) Throw any object at or in the direction of any person riding a bicycle; or (2) Open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle.

The following new section provides for distribution of summaries of the bike laws through bicycle dealers:

The Administration shall publish copies or summaries of the regulations and laws of this State that regulate the operation of bicycles and make them available, on request and without cost, to every dealer engaged in the retail sale of bicycles in this State. These dealers shall provide a copy to each person who buys a bicycle.

MASSACHUSETTS

Special Rules for the Operation of Bicycles

The following new section regulates the use of bicycle lanes and paths by mopeds:

Motorized bicycles may be operated on bicycle lanes adjacent to the various ways, but shall be excluded from off-street recreational bicycle paths.

Bicycle Registration

The registration law (pp. 125-6) was amended to provide for the use of a plate or decal as indicia of registration.

Special Procedures and Penalties

The law which specifies the authority of towns was amended to provide authority for establishing a noncriminal ticketing procedure against violations of bicycle laws, and a schedule of fines for breaches thereof, not to exceed twenty dollars for each offense.

MICHIGAN

Legal Status of Bicycles

The definition of "bicycle" (pp. 5-6) was amended as follows:

"Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter. [2 tandem wheels either of which is over 20 inches in diameter. It includes pedal bicycles with helper motors rated less than 1 brake horsepower transmitted by friction and not by gear or chain, which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour.]

The definition of "vehicle" (p. 10) was amended so as to exclude devices which are moved exclusively by human power.

Special Rules for the Operation of Bicycles

The law which prohibits bicycles on limited-access highways (pp. 68-70) was amended by the addition of the following new sentence:

Bicycles shall be permitted on paths constructed separately from the roadway and designated for the exclusive use of bicycles.

The section requiring bicyclists to use an adjacent path instead of the roadway (p. 84) was amended to refer to a usable and designated path for bicycles adjacent to the roadway.

The following section, which is not part of the vehicle code, was amended to prohibit motor vehicles on sidewalks and bicycle paths:

A person who operates or rides a motorcycle, moped, or other motor vehicle, excepting motorized wheelchairs upon a bicycle path or a sidewalk regularly laid out and constructed for the use of pedestrians, not including a crosswalk or driveway, is guilty of a misdemeanor.

The provision which prohibited riding a bicycle upon a sidewalk (p. 93) was repealed. The following new section was adopted to require bicyclists on a sidewalk to yield and give audible signal to pedestrians when necessary:

A person operating a bicycle on a sidewalk constructed for the use of pedestrians shall yield the right of way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

The section which contains the requirements to generally keep to the right (p. 61), to not pass between lines of traffic (pp. 66-7), to not ride more than two abreast (p. 64), to use an adjacent bicycle path instead of the roadway (p. 84 and above), and to yield and give audible signal to pedestrians on a sidewalk (above) was amended by the addition of the following language:

This section shall not apply to a police officer in the performance of his official duties;

The provision relating to the rear reflector (pp. 111-12) was amended to require a red reflector on the rear which is visible from all distances from 100 [50] feet to 600 [300] feet to the rear when directly in front of the lawful lower [upper] beams of head lamps on a motor vehicle. The section still does not require the reflector to be of a type approved by the department.

The following two new subsections were adopted to require pedal reflectors, and reflectors or reflective tires visible to the sides of the bicycle:

(d) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle or a pedal for use on a bicycle, either of which was manufactured after January 1, 1976, unless it is equipped with a type of reflex reflector located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal. The pedal reflectors shall be visible from

the front and rear of the bicycle during the nighttime from a distance of 200 feet when directly exposed to the lower beam head lamps of a motor vehicle.

(e) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle manufactured after January 1, 1976, unless it is equipped with either tires which have reflective sidewalls or with wide-angle prismatic spoke reflectors. If the bicycle is manufactured with reflective sidewalls, the reflective portion of the sidewall shall form a continuous circle on the sidewall, and may not be removed from the tire without removal of tire material. If the bicycle is equipped with wide-angle prismatic spoke reflectors, the reflectors of the front wheel shall be essentially colorless or amber, and the reflectors on the rear wheel shall be essentially colorless or red. Reflective sidewalls or spoke reflectors shall cause the bicycle to be visible from all distances from 100 feet to 600 feet when viewed under lawful low beam motor vehicle head lamps under normal atmospheric conditions.

MINNESOTA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended as follows:

"Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels [either of which is over 20 inches in diameter] except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

The definition of "vehicle" (p. 10) was amended by deleting the phrase, "except devices moved by human power;" bicycles are now included in the term.

The definition of "roadway" (p. 28) was amended as follows:

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (p. 33) was amended as follows:

Every person operating a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles.

[Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.]

Special Rules for the Operation of Bicycles

The section requiring bicyclists on the roadway to generally keep to the right (p. 61) was amended as follows:

Every person operating a bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations: (i) When overtaking and passing another vehicle proceeding in the same direction. (ii) When preparing for a left turn at an intersection or into a private road or driveway. (iii) When reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand curb or edge. [as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.]

The section on riding abreast (p. 64) was amended as follows:

Persons riding bicycles upon a roadway shall not ride more than two abreast and shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. [except on paths or parts of roadways set aside for the exclusive use of bicycles.]

The following new section was adopted to regulate turn signals by bicyclists:

An arm signal to turn right or left shall be given continuously during the last 100 feet traveled by the bicycle before turning, unless the arm is needed to control the bicycle, and shall be given while the bicycle is stopped waiting to turn.

Regarding bicycle racing and other special bicycle events on the highway, the following new section was adopted:

(a) Bicycle events, parades, contests, or racing on a highway shall not be unlawful when approved by state or local authorities having

jurisdiction over that highway. Approval shall be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(b) By agreement with the approving authority, participants in an approved bicycle highway event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

The section requiring bicyclists to use an adjacent bicycle path instead of the roadway (p. 84) was repealed.

A new section prohibits the use of motorized bicycles on bicycle ways or bicycle lanes.

The provision relating to the use of sidewalks by bicycles (pp. 91, 96, and 97) was amended as follows:

A person operating a bicycle upon a sidewalk, or across a roadway on a crosswalk, shall yield the right of way to any pedestrian and shall give an audible signal when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

A person lawfully operating a bicycle on a sidewalk, or across a roadway on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

The section requiring bicyclists to ride only upon the seat (p. 98) was repealed.

The section on carrying articles (p. 102) was amended to refer to such carrying as prevents the operator from keeping at least one hand on the handlebars, or from properly operating the brakes.

The section on carrying too many (p. 99) was amended to allow carrying a child in a baby seat attached to the bicyclist, or in a seat attached to the bicycle if it has protective devices to keep the child's feet from contacting the spokes, and a harness to hold the child securely.

The following new section was adopted to regulate bicycle parking:

(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by local authorities. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) A bicycle may be parked on a roadway at any location where parking is allowed if it is parked in such a manner that it does not obstruct the movement of a legally parked motor vehicle.

The bicycle equipment requirements (pp. 109, 112, and 114) were amended as follows: No bicycle may be operated at night unless the bicycle or its operator is equipped with a white light visible 500 feet to the front, and with a red reflector of a type approved by the department visible from all distances from 100 [50] feet to 600 [300] feet to the rear when directly in front of lawful lower [upper] beams of head lamps on a motor vehicle [a red light visible 500 feet to the rear may be used in addition to the red reflector]. In addition to these amendments, the following new provisions regarding reflectors and reflective material were adopted:

No person may operate a bicycle at any time when there is not sufficient light to render persons and vehicles on the highway clearly discernible at a distance of 500 feet ahead unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of head lamps on a motor vehicle.

The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches of reflective material on each side of the bicycle or its operator. Any bicycle equipped with side reflectors as

required by regulations for new bicycles prescribed by the United States consumer product safety commission shall be considered to meet the requirements for side reflectorization contained in this subdivision.

No person shall sell or offer for sale any new bicycle unless it is equipped with reflectors and other equipment as required by subdivision 6, clauses (a) and (b) and by the regulations for new bicycles prescribed by the United States consumer product safety commission.

In addition the following two new sections relating to elevation of handlebars and bicycle size were adopted:

No person shall operate upon a highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

No person shall operate upon a highway any bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it with at least one foot on the highway surface and restarting in a safe manner.

Enabling Legislation

Extensive new provisions were adopted to provide for creation of various kinds of bikeways. The following new section authorizes local governments to designate such facilities:

Subdivision 1. Definitions. As used in this section, "bicycle lane" means that portion of a roadway set aside by the governing body of a political subdivision having jurisdiction over the roadway for the exclusive use of bicycles or other vehicles propelled by human power and so designated by appropriate signs and markings; and "bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles or other vehicles propelled by human power by the governing body of a political subdivision.

Subd. 2. Powers of political subdivisions. The governing body of any political subdivision may by ordinance:

(a) Designate any roadway or portion thereof under its jurisdiction as a bicycle lane.

(b) Designate any sidewalk or portion thereof under its jurisdiction as a bicycle way provided that the designation does not destroy a pedestrian way or pedestrian access.

Subd. 3. Designation of lane. A governing body designating a sidewalk or portion thereof as a bicycle way, or a highway or portion thereof as a bicycle lane under this section may:

(a) Designate the type and character of vehicles or other modes of travel which may be operated on a bicycle lane or bicycle way, provided that the operation of such vehicle or other mode of travel is not inconsistent with the safe use and enjoyment of the bicycle lane or bicycle way by bicycle traffic.

(b) Establish priority of right-of-way on the bicycle lane or bicycle way and otherwise regulate the use of the bicycle lane or bicycle way as it deems necessary.

(c) Paint lines or construct curbs or establish other physical separations to exclude the use of the bicycle lane or bicycle way by vehicles other than those specifically permitted to operate thereon.

The designating governing body may, after public hearing, prohibit through traffic on any highway or portion thereof designated as a bicycle lane, except that through traffic may not be prohibited on a trunk highway. The designating governing body shall erect and maintain official signs giving notice of the regulations and priorities established under this subdivision, and shall mark all bicycle lanes and bicycle ways with appropriate signs.

Subd. 4. Speed on street with bicycle lane. Notwithstanding section 169.14, subdivision 5, the governing body of any political subdivision, by resolution or ordinance and without an engineering or traffic investigation, may designate a safe speed for any street or highway under its authority upon which it has established a bicycle lane; provided that such safe speed shall not be lower than 25 miles per hour. The ordinance or resolution designating a safe speed is effective when appropriate signs designating the speed are erected along the street or highway, as provided by the governing body.

Miscellaneous Bicycle Laws

As noted above, new provisions were adopted to provide for creation of various kinds of bikeways.

One new section specifies that whenever an existing bicycle facility is destroyed by highway construction, it must be replaced.

Under a second new section, a program is established for the development of a system of bicycle trails (bicycle lanes or bicycle ways) primarily on existing highway rights of way. The program is to include trails developed and maintained by the state as well as a system of state grants for local bicycle trails development.

Another new section requires the state planning agency to conduct a study to determine how bicycle and recreational vehicle lanes along existing highways could be financed, and to develop proposed model standards for such lanes; the commissioner of transportation is required to promulgate such model standards, including criteria for the desirability of such lanes at particular locations, provisions for maintenance of such lanes, and the placement of such lanes in relation to the roadway. These model standards govern as to state highways, and they may be adopted by local governments as to highways under their jurisdiction.

MISSOURI

Legal Status of Bicycles

A definition of "bicycle" (p. 7) was adopted, but it has application only to the special bicycle rules. The definition provides as follows:

The term "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices;

Accident Requirements and Rules of the Road

The following new section gives bicyclists on the highway the same rights and duties as the driver of a vehicle (p. 33):

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, RSMo, except as to special regulations in sections 307.180 to 307.193 and except as to those provisions of chapter 304, RSMo, which by their nature can have no application.

The referenced chapter 304 contains the rules of the road but not the accident requirements.

Special Rules for the Operation of Bicycles

The following new section generally requires bicyclists to keep to the right side of the roadway (p. 62):

Every person operating a bicycle or motorized bicycle upon a street or highway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

The section which prohibited a bicyclist from clinging to a motor vehicle without the permission of the owner (p. 82) was repealed.

The following new section requires use of a bicycle path adjacent to a street or highway if it meets certain criteria:

Wherever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.

The following new section requires bicycles on the highway at night to be equipped with a head light, rear reflector, pedal reflectors, and either side reflectors or tires with reflective sidewalls:

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

(1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet;

(2) A rear-facing red reflector, at least two square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet;

(3) Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths square inches in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred feet; and

(4) A side-facing essentially colorless or amber reflector visible on each side of the wheel mounted on the wheel spokes of the front wheel within three inches of the inside of the wheel rim

and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three inches of the inside of the wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths of an inch wide. All such reflectors or retroreflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred feet. The provisions of this subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

The following new section requires bicycles to be equipped with brakes:

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

Dealer Regulation

The law authorizing the licensing of bicycle repair shops (p. 156) was repealed.

Special Procedures and Penalties

A new section was adopted to specify that a violation of the special bicycle rules by a person 17 years of age or older is an infraction punishable by a fine of not more than \$25; an infraction is not a crime. Violations by persons under 17 years of age are subject to the following provision:

If any person under seventeen years of age violates any provision of sections 307.180 to 307.193 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner.

MONTANA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended by the addition of language so as to include mopeds within the term.

The definition of "vehicle" (p. 10), which already clearly excluded "devices moved by human or animal power," was amended to specify that the term does not include "bicycles." (The effect is to also exclude mopeds from the definition of vehicle.)

The definition of "highway" (pp. 22-3) was completely rewritten; the new definition provides as follows:

"Highway" means the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel, except that for the purpose of chapter 8 the term also includes ways which have been or shall be dedicated to public use.

The referenced chapter 8 includes all rules of the road. Note that the term "street" is separately defined and does not include the exception relating to chapter 8.

Accident Requirements and Rules of the Road

The provision giving bicyclists on the roadway the same rights and duties as the drivers of vehicles (p. 33) was reworded somewhat to reflect a reorganization of the vehicle code. It now refers to the rights and duties applicable to the driver of a vehicle by chapter 8 (rules of the road) and chapter 9 (vehicle equipment). It does not make applicable the accident duties which are part of chapter 7.

Special Rules for the Operation of Bicycles

The section relating to riding abreast (p. 64) was amended to generally require riding single file:

Persons riding bicycles upon a roadway shall ride in single file [not ride more than two abreast] except on paths or parts of roadways set aside for

the exclusive use of bicycles. A person riding a bicycle may overtake and pass another bicycle when safe to do so and when other traffic is not obstructed by so doing.

A new subsection specifies that mopeds are exempt from the requirements that a bicycle on the roadway keep as close to the right side as practicable (p. 61), and that bicyclists on the roadway generally ride single file (above). The exemption is necessary because mopeds are now included in the definition of "bicycles," as noted above.

The provision which authorizes restrictions on the use of controlled-access facilities (pp. 68-70) was amended to authorize prohibiting bicycles and other named classes of traffic from controlled-access highways [roadways].

The section requiring bicyclists to use an adjacent path instead of the roadway (p. 84) was amended to specify that it does not apply to mopeds (although mopeds are "bicycles" as that term is defined) where mopeds are prohibited from using a bicycle path.

The rear reflector requirement (p. 112) was amended, and new requirements for front-facing, side-facing, and pedal-mounted reflectors were adopted as follows:

Every bicycle when in use at nighttime shall be equipped with an essentially colorless front-facing reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector [a red reflector on the rear of a type approved by the board which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle]. Pedal reflectors shall be mounted on the front and back of each pedal.

Every bicycle when in use at nighttime shall be equipped with either tires with retroflective sidewalls or reflectors mounted on the spokes of each wheel. Spoke mounted reflectors shall be within 76 millimeters (3 inches) of the inside of the rim and shall be visible on each side of the wheel. The reflectors on the front wheel shall be essentially colorless or amber and the reflectors on the rear wheel shall be amber or red.

Reflectors required by this section shall be of a type approved by the division of motor vehicles.

The following new section "encourages" the use of bicycle flags:

Every bicycle is encouraged to be equipped with a flag clearly visible from the rear and suspended not less than 6 feet above the roadway when the bicycle is standing upright. The flag shall be fluorescent orange in color.

NEBRASKA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to refer to a device propelled solely by human power.

The definition of "vehicle" (p. 10) was amended in the same way, to exclude devices moved solely by human power.

Accident Requirements and Rules of the Road

Due to a rearrangement of the code, the accident requirements (p. 42) are now within those provisions which are made applicable to bicyclists by the section comparable to UVC § 11-1202 (p. 33); bicyclists on the roadway now have the same accident rights and duties as the drivers of vehicles.

Miscellaneous Bicycle Provisions

A new section permitting vehicles at certain intersections to make a left turn against a red signal specifically requires yielding to bicycles in an adjacent crosswalk. There is no similar requirement to yield to bicycles in the section which permits right turns on red, however. The new left turn section provides as follows:

Except where a traffic-control device is in place prohibiting a turn, vehicular traffic facing a steady red signal at the intersection of two one-way streets may cautiously enter the intersection to make a left turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians and persons riding bicycles lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

NEVADA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended by adding the phrase, "except a moped."

Special Rules for the Operation of Bicycles

The rear reflector provision (p. 112) was amended to require a red reflector on the rear of a type approved by the department which is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful lower [upper] beams of head lamps on a motor vehicle.

NEW HAMPSHIRE

Legal Status of Bicycles

The definition of "bicycle" (pp. 7 and 189) was amended as follows:

The term bicycle as used in this subdivision shall [include all vehicles propelled by the person riding the same, either wholly or in part.] mean every vehicle propelled solely by human power upon which any person may ride, having 2 tandem wheels, except scooters and similar devices. For the purpose of this subdivision mopeds as defined in RSA 259:1, XIII-a shall be considered as bicycles.

The referenced subdivision contains several special rules for use of highways by bicycle riders. The same new definition of "bicycle," but without the sentence including mopeds, is also made part of a subdivision of the code dealing with the planning and laying out of bicycle routes.

Special Rules for the Operation of Bicycles

Regarding restrictions on the use of controlled-access facilities (pp. 67-70), there is a provision in the highway code which authorizes the commissioner of public works and highways to regulate or prohibit the use of limited-access facilities by all types of vehicles, and to regulate or prohibit "other use" of such facilities; signs are required to give effect to such regulations.

The section imposing a 10 mph speed limit on bicyclists within the compact part of a city (p. 78) does not apply to children under the age of 12, or to a person operating a moped.

In addition to the section which authorizes a mayor to issue a one-day permit exempting persons from the bicycle speed limit (pp. 78-9), the following new section regarding bicycle races was adopted:

No person shall conduct or participate in any competitive bicycle race on any class I or class III highway or on the state maintained part of a class II highway, unless such race is sponsored by a national,

state or municipal bicycle organization and the sponsor of such race has obtained, prior to such race, the written approval of the state police and the police department of each city, town or place in which such race is to be held. Any person who violates this section shall be guilty of a violation.

There is a section comparable to UVC § 11-1204 relating to clinging to vehicles; it provides as follows:

No person riding a bicycle, coaster, sled, or toy vehicle, or wearing roller skates, shall hold fast to, or hitch on to, any street car or vehicle moving upon a highway.

Enabling Legislation

The following section relates to local authority to regulate bicycles:

Any town shall have the power to make ordinances, by-laws or regulations respecting the use and equipment of bicycles, except mopeds as defined in RSA 259:1, XIII-a, on its highways provided that any such ordinances, by-laws or regulations enacted with respect to such equipment shall be at least as stringent as the requirements of RSA 250:11-a through 11-e. A town may require that bicycles, except mopeds as defined in RSA 259:1, XIII-a, be licensed and may charge reasonable fees therefor. If a town has not adopted ordinances or by-laws under this section, the selectmen shall require that bicycles, except mopeds as defined in RSA 259:1, XIII-a, in the town shall be licensed and equipped as provided in RSA 250:11-a through 11-e.

The referenced sections (RSA 250:11-a through 11-e) do specify bicycle equipment requirements, but do not require bicycle licensing of any sort.

Miscellaneous Bicycle Laws

A new subdivision of the code was adopted regarding the planning and laying out of bicycle routes. It includes the following definitions in addition to the definition of "bicycle" already discussed:

"Bicycle Route" means any lane, way or path, designated by appropriate signs, that explicitly provides for bicycle travels.

"Bicycle lane" means a portion of a roadway which has been designated for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe or similar device. Improved road edges are considered a bicycle lane where where so designated.

"Bicycle path" means a separate trail or path which is for the exclusive use of bicycles. Where a trail or path forms a part of a highway, which is separated from the roadway for motor vehicular traffic by an open space or barrier.

Another new section in the subdivision describes extensively the powers and duties of the commissioner of public works and highways in regard to the establishment, operation and maintenance of bicycle routes, lanes, and paths. Another new section requires cooperation among state agencies in carrying out the intent of the subdivision.

NEW JERSEY

Legal Status of Bicycles

The following new definition of "bicycle" was adopted:

As used in this act "bicycle" means any two-wheeled vehicle having a rear drive wheel which is solely human-powered and having a seat height of 25 inches or greater when the seat is in the lowest adjustable position.

This definition was adopted as part of an act which requires reflectors on new bicycles sold or rented (provisions described below). The definition applies only to that act.

Special Rules for the Operation of Bicycles

The section requiring bicyclists on the roadway to keep to the right (p. 61) was amended by the addition of the following new language:

Provided, however, that any person may move to the left under any of the following situations:

- (a) to make a left turn from a left-turn lane or pocket;
- (b) to avoid debris, drains or other hazardous conditions that make it impractical to ride at the right side of the roadway;
- (c) to pass a slower moving vehicle;
- (d) to occupy any available lane when traveling at the same speed as other traffic;
- (e) to travel no more than two abreast when traffic is not impeded.

The provision which required bicyclists to ride single file (p. 64) was amended as follows (see also subsection (e) in the section above):

Persons riding bicycles upon a roadway may travel no more than two abreast when traffic is not impeded, but otherwise shall ride in single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

The section which authorizes restrictions on the use of controlled-access facilities (p. 69) allows bicycles to be excluded only from the roadway, not from the highway.

The red rear reflector, as described in the original commentary (p. 112) is not required on a bicycle but may be used in addition to the required tail light (p. 115).

Reflectors (including a rear reflector) are required on new bicycles when sold or rented by a person who is engaged in that business under the provisions of the following new sections:

No person shall sell or offer to sell, or rent or offer to rent, whether it be by retail, wholesale or by auction, any bicycle manufactured on or after the effective date of this act unless such bicycle is equipped with front, rear and pedal reflectors and either (a) side reflectors; or (b) retroreflective tire sidewalls which shall form a continuous circle on each sidewall, in order to permit recognition and identification under illumination from motor vehicle headlamps. Such front, rear, pedal and side-reflectors shall be colored and mounted in conformity with regulations promulgated by the Director of the Division of Consumer Affairs.

This act shall not apply to the sale or rental of a bicycle by any person who is not regularly engaged in the business of selling or renting bicycles and where such bicycle was obtained by the person making the sale or rental for his own use.

The Director of the Division of Consumer Affairs in the Department of Law and Public Safety is authorized and empowered to adopt rules and regulations covering the types of equipment and the specifications therefor, including the color and mounting thereof, which shall be in accordance with Federal standards regulating bicycles promulgated by the Consumer Product Safety Commission entitled "Requirements for Bicycles" (16 CFR Part 1512) and pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.) and any amendatory or supplemental acts or regulations promulgated thereto.

The act also includes penalty and enforcement provisions.

NEW MEXICO

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to include every device propelled by human power upon which a person may ride, having two tandem wheels [either of which is more than 20 inches in diameter], except scooters and similar devices.

The definition of "highway" (p. 21) was substantially amended. The concept of highway as "the entire width between the boundary lines" was deleted; and the concept that it is a way which is open to the public for vehicular travel as a matter of right was modified by adding the word "generally." New language introduces the concept that a highway remains such even when temporarily closed to vehicular traffic. The amended definition reads as follows:

"Street or highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists on the roadway (p. 33) was amended by deleting the phrase "and except as to those provisions of this act which by their nature can have no application."

NEW YORK

Legal Status of Bicycles

The definition of "roadway" (p. 27) was amended to refer to the portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the [berm or] shoulder and slope.

Special Rules for the Operation of Bicycles

The section requiring bicyclists to keep to the right (p. 61) was amended as follows:

Where no bicycle lane or bicycle path is provided, every person operating a bicycle upon a highway [roadway] shall ride either as near to the right side of the roadway as practicable or upon a usable shoulder on the right side of the highway [exercising due care when passing a vehicle or bicycle standing or proceeding in the same direction].

The section on riding abreast (p. 64) was amended as follows:

Persons riding bicycles upon a roadway shall not ride more than two abreast [except on paths or parts of roadways set aside for the exclusive use of bicycles]. Persons riding bicycles upon a shoulder, lane or path set aside for the use of bicycles may ride two or more abreast if sufficient space is available, except when passing a vehicle, bicycle or pedestrian standing or proceeding along such shoulder, lane or path, persons riding bicycles shall ride single file. Persons riding bicycles upon a roadway shall ride single file when being overtaken by another vehicle.

With respect to restrictions on the use of controlled-access facilities, the laws are more complex than reported in the original Commentary, and several have been amended. The law which generally prohibits bicycles (p. 68) provides, in relevant part, as follows:

No person, unless otherwise directed by a police officer shall: . . . Occupy any space of a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, with: . . . a bicycle; except in the performance of public works or official duties, or on paths or parts of such highway provided for such uses.

Another section authorizes the state department of transportation to prohibit or regulate the use of vehicles or devices moved by human power:

The department of transportation with respect to state highways . . . may by order, rule or regulation: . . . 2. Prohibit, restrict or regulate . . . the use of any controlled-access highway by any . . . vehicle or device moved by human or animal power.

Similar sections give the same authority to the governing bodies of cities, villages, and towns, with respect to controlled-access highways, other than state maintained highways, within their jurisdictions. Another section makes it clear that such restrictions imposed by local authorities are effective only if signs are erected, but the sign requirement does not apply to the state department of transportation, the state thruway authority, the City of New York, and various other named agencies, which are required to erect signs only if they deem it practicable to do so.

Two other sections authorize the prohibition of human powered devices from any highways, not just controlled-access highways. One section, for example, authorizes the governing body of New York City to prohibit or regulate the use of any highway by particular vehicles or classes or types thereof or devices moved by human power. The other section gives the same power to certain named public authorities and commissions with respect to highways under their jurisdiction.

The section which prohibits clinging to vehicles on the roadway (p. 81) was amended as follows:

1. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway.

2. No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway [without the permission of the operator thereof].

The provisions of this section shall not apply to:

(i) vehicles in an emergency operation as defined in section one hundred fourteen-b of this chapter; and

(ii) farm type tractors used exclusively for agricultural purposes or other farm equipment; and

(iii) riding on the open, uncovered cargo area of a truck with the permission of the operator of such truck; and

(iv) vehicles employed by a municipality for local garbage collection; and

(v) vehicles participating in a parade pursuant to a municipal permit.

3. No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one or subdivision two of this section.

The section requiring bicyclists to use an adjacent path instead of the roadway (p. 84) was amended to also require use of a shoulder or bike lane, where available. The section was amended as follows:

Whenever a usable path, lane or shoulder for bicycles has been provided on or adjacent to a roadway, bicycle riders shall use such path, lane or shoulder and shall not use the roadway or a portion of the roadway not laned for bicycles.

The section which requires bicyclists to ride only upon and astride the bicycle seat (p. 98) also prohibits riding with feet removed from the pedals.

The section relating to bicycle lighting equipment was amended by deleting the former rear reflection requirement, and by requiring a tail light and specifying that either the head light or tail light must also be visible to the side. The section was amended as follows:

(a) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side. [with a red reflector, at least three inches in diameter, on the rear and of a type approved by the commissioner which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible to the rear may be used in addition to the red reflector.]

Also, the following two new subsections relating to reflectors and reflective equipment on bicycles were adopted:

(d) Every new bicycle shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

(e) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this section.

Enabling Legislation

The section which gives the state department of transportation authority to regulate traffic on state maintained highways was amended to add the following two new delegations of specific authority:

16. Designate a portion of a slope as a path for the use of bicycles.

17. Order signs or markings to identify the portion of the highway to be used for bicycle travel.

These same provisions were added to the sections which authorize traffic regulation by cities and villages, by counties and by towns.

In connection with these changes, a new definition of "bicycle lane or bicycle path" was adopted as follows:

A portion of the roadway which is laned or a portion of slope provided for the use of bicycles.

The term "slope" is also defined; it includes the part of a highway other than the roadway and shoulder.

The law which specifically authorized the trustees of a village to regulate the use of sidewalks by bicyclists (p. 166) was repealed.

NORTH CAROLINA

Legal Status of Bicycles

A new definition of "bicycle" was adopted, but it has application only to the new provisions regarding bicycle racing described below. The definition is as follows:

Bicycle. -- A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled.

Special Rules for the Operation of Bicycles

A new section was adopted regarding bicycle racing on the highways:

(a) Bicycle racing on the highways is prohibited except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

NORTH DAKOTA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to include mopeds.

The definition of "highway" (p. 21) was amended to additionally include privately maintained vehicular ways within certain mobile home parks, trailer parks, and campgrounds. The definition of "street" was not amended in the same way, so the terms "street" and "highway" are no longer synonymous.

Special Rules for the Operation of Bicycles

The following new section relating to the application of special bicycle rules (pp. 57-8) was adopted:

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

The section regarding restrictions on the use of controlled-access facilities (p. 68) was amended to authorize appropriate agencies to prohibit the use of any controlled-access roadway by any class or kind of traffic which is found incompatible with the normal and safe movement of traffic [bicycles and other named classes of traffic]. Signs are required to give effect to the prohibition.

The requirement for a rear reflector (p. 112) was amended by deleting the visibility distance specifications. The law now requires that a bicycle used at night be equipped with a red reflector on the rear of a type approved by the department.

Special Procedures and Penalties

The following new section relating to violations by children (p. 163) was adopted:

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

The following new law was adopted to specify that no points are assessed against a person's drivers license for violations committed while riding a bicycle:

Any violation of the provisions of this chapter, or any moving violation as defined in section 39-06.1-09, or any nonmoving violation as defined in section 39-06.1-08 when committed on a bicycle as defined in section 39-09-01, shall not be cause for the licensing authority to assess points against the driving record of the violator pursuant to section 39-06.1-10. Any other legally authorized penalty for a criminal traffic offense or noncriminal traffic violation shall be applicable to bicyclists.

OHIO

Legal Status of Bicycles

The definition of "bicycle" (pp. 5-6) was amended so as to no longer include mopeds and otherwise as follows:

"Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter. [a two-wheeled vehicle propelled by human power, having a tandem arrangement of wheels equipped with tires either of which is over twenty inches in diameter; and includes any such vehicle fitted with a helper motor rated less than one brake horsepower transmitted by friction and not by gear or chain, which produces only ordinary pedaling speeds up to a maximum of twenty miles per hour.]

The definition of "vehicle" (p. 12) was amended to specifically include motorized bicycles; the definition still includes "bicycles" also.

Special Rules for the Operation of Bicycles

The following new section requires bicyclists on the roadway to keep to the right side (p. 61):

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

The additional requirement to obey traffic laws applicable to vehicles is unnecessary because bicycles are vehicles.

The section regarding riding abreast (p. 64) was amended to generally prohibit riding more than two abreast in a single lane.

The law requiring riding only upon and astride the seat (p. 98) also prohibits carrying a passenger except on a firmly attached and regular seat.

A new section prohibits carrying certain articles (pp. 101-3) as follows:

No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars.

The following new section was adopted to require a head light and both a tail light and a rear reflector on a bicycle used at night (pp. 109-115):

Every bicycle when in use at the times specified in section 4513.03 of the Revised Code, shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the director of highway safety that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle and a lamp emitting a red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector.

The section relating to an audible warning device (p. 117) was amended to require a device capable of giving a signal audible for a distance of at least one hundred feet.

A new section was adopted to require brakes (pp. 118-19):

Every bicycle shall be equipped with an adequate brake when used on a street or highway.

Bicycle Registration

The law which prohibited unauthorized use of, tampering with, or alteration or removal of the serial number of a bicycle (p. 151) was repealed.

OREGON

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was substantially reworded as follows:

"Bicycle" means a cycle propelled exclusively by human power with: (a) Every wheel more than 14 inches in diameter; or (b) With two tandem wheels either of which is more than 14 inches in diameter. "Cycle" means any mechanical device, other than a farm tractor, designed for the transportation of persons on the ground on wheels that: (a) Has a seat or saddle for use of the rider; and (b) Is designed to travel with not more than three wheels in contact with the ground. ["Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter, or having three wheels all of which are more than 14 inches in diameter.]

The definition of "roadway" (p. 28) was amended to specify that it is the part of the highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A second sentence relating to highways with two or more roadways was also added.

Special Rules for the Operation of Bicycles

The section requiring bicyclists to generally keep to the right (p. 62) was amended to require that position except when on a one-way roadway [highway] within a city, and to require keeping to either the right or left on a one-way roadway within a city. The amended section provides, in relevant part, as follows:

- (1) A person operating a bicycle upon a roadway shall: . . .
- (b) Exercise due care when passing a standing vehicle or one proceeding in the same direction; and
- (c) Except on a one-way roadway within a city, ride as near to the right side of the roadway as practicable.

(2) On a one-way roadway within a city, a person operating a bicycle shall ride as near to either the right or the left side of the roadway as practicable.

The section which required riding single file on roadways where the designated speed exceeds 25 mph (p. 65) was repealed. A new section prohibits riding more than two abreast:

A person operating a bicycle upon a roadway shall: Not ride more than two abreast;

Regarding restrictions on the use of controlled-access facilities (pp. 67-70), the following new law was adopted:

(1) The commission and local authorities with respect to a throughway under their respective jurisdictions may prohibit or restrict the use of the throughway: . . .

(b) By persons riding bicycles or other non-motorized traffic, power-driven cycles or motor bicycles.

(2) A regulation enacted under subsection (1) of this section shall become effective when appropriate signs giving notice thereof are erected upon any throughway and the approaches thereto.

The term "throughway" clearly refers to controlled-access facilities:

"Throughway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

It is unclear whether bicycles may be excluded from the entire highway, or only from the roadway.

The following new section regulates the right of way between bicycles and vehicles at certain intersections:

(1) A person riding a bicycle commits the offense of failure to yield the right of way if upon approaching or moving across an intersection he does not yield the right of way to all vehicles within or closely approaching the intersection except:

(a) Oncoming vehicles closely approaching from the opposite direction which are signaling an intent or starting to make a left turn at the intersection; or

(b) Vehicles approaching the intersection which must stop before entering it because of a stop sign.

(2) The provisions of subsection (1) of this section do not apply when the bicyclist is required by an official traffic control device to stop or yield before traversing the intersection.

(3) Failure by bicyclist to yield the right of way is a Class D traffic infraction.

(4) A driver commits the offense of failure to yield the right of way to bicyclist if:

(a) He proceeds into an intersection and makes a left turn without first yielding the right of way to all oncoming persons riding bicycles within or approaching the intersection from the opposite direction so closely as to constitute an immediate hazard; or

(b) After stopping at a stop intersection or through highway as required by ORS 487.255, he fails to yield the right of way to any person on a bicycle approaching or within the intersection or approaching on a through highway so closely as to constitute an immediate hazard.

(5) Failure by driver to yield the right of way to bicyclist is a Class B traffic infraction.

A new section was adopted to permit and regulate bicycle racing on the highways:

Bicycle racing is permitted on any highway in this state upon the approval of, and under conditions imposed by, the department or local authority exercising jurisdiction over the highway on which the race is held.

The section requiring bicyclists to use a bicycle lane adjacent to a roadway (p. 86) was amended as follows:

When a bicycle lane adjacent to a roadway or a bicycle path adjacent to or near a roadway has been provided, bicycle riders shall use that lane or path and shall not use the roadway if the state or local authority having jurisdiction over the roadway, after a public hearing, finds that the lane or path is suitable for safe bicycle use at reasonable rates of speed.

The section relating to the use of bicycle lanes by vehicle drivers (p. 90) was repealed. The following new law on the same subject was adopted:

- (1) A driver commits the offense of unlawful driving upon a bicycle lane if he drives upon a bicycle lane except when:
 - (a) Making a turn;
 - (b) Entering or leaving an alley or private road or driveway; or
 - (c) Required in the course of official duty.
- (2) A driver shall yield the right of way to a person operating a bicycle upon a bicycle lane.

The following new definitions were also adopted:

"Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

"Bicycle path" means a public way maintained for exclusive use by persons riding bicycles and designated as such by official signs or markings.

"Bicycle trail" means a publicly owned and maintained lane or way designated and signed for use as a bicycle route and includes both a bicycle lane and a bicycle path.

The section on carrying too many (p. 98) was amended to refer to the number for which the bicycle is designed or [and] safely equipped.

The section relating to bicycle lighting equipment (pp. 109, 111, and 114) was amended to redefine the time during which the equipment is required and to change the description of the equipment required on the rear. The section was amended as follows:

When a person operates a bicycle upon a highway at any time from a half-hour after sunset to a half-hour before sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 500 feet ahead, [When a bicycle is in use at nighttime] the bicycle or its rider shall be equipped with a lamp showing [exhibiting] a white light visible from a distance of at least 500 feet to the front of the [such] bicycle, and a red reflector or lighting device or material of such size or characteristics and so mounted as to be visible from all distances up to [from 100 feet to] 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. [A red light visible from a distance of 500 feet to the rear may be used in addition to the rear reflector.]

Special Procedures and Penalties

The section which makes it illegal for a parent to authorize or permit a violation by his child (p. 163) was repealed in relation to the special rules for operation of bicycles, but a provision to the same effect was enacted in relation to the bicycle equipment requirements.

PENNSYLVANIA

Legal Status of Bicycles

A new definition of the term "pedalcycle" was adopted; the term refers to a vehicle propelled solely by human-powered pedals. The term "bicycle" remains undefined.

The definition of "vehicle" (p. 13) was amended as follows:

"Vehicle". Every [Any] device in, upon or by which any person or property is or may be transported or drawn upon a [public] highway, [excepting tractors, agricultural machinery, devices moved by human power or] except devices used exclusively upon stationary rails or tracks. [Provided, That solely for the purpose of Article X of this act, a bicycle or a ridden animal or a tractor or any other device moving upon wheels on a public highway except a device moving upon wheels upon stationary rails or tracks on a public highway, shall be deemed a vehicle.]

The definition of "highway" (pp. 22-23) was extensively amended. In relevant part, the section was amended as follows:

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

[Every way or place, of whatever nature, open to the use of the public as a matter of right, for purposes of vehicular travel.]

Both the former and current definitions have additional language including roadways open to public vehicular travel within the grounds of parks, colleges and universities.

A new definition of "trafficway" was added; it includes some ways open to public traffic which would not be "highways" as follows:

"Trafficway." The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

The definition of the term "roadway" (p. 27) was amended in relevant part as follows:

"Roadway." That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by pedalcycles.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (pedalcyclists) (p. 32) was completely rewritten as follows:

Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application. [Bicycles, tricycles and all vehicles propelled by hand or foot, and all persons by whom bicycles, tricycles and such other vehicles are used, ridden or propelled upon the public highways of this state, shall be entitled to the same rights and subject to the same restrictions, in the use thereof, as are prescribed by law in the cases of persons using carriages drawn by horses.]

Amendments to various accident requirements (p. 41) affect their application to bicyclists. Since bicycles are vehicles, accident requirements apply to bicyclists in the same way as they apply to other vehicle drivers. Accident provisions now apply on all highways and trafficways; formerly, no scope of geographic application was specified. The section requiring written accident reports now applies to the driver of a vehicle; formerly it applied only to the driver of a motor vehicle.

Special Rules for the Operation of Bicycles

A new subchapter relating to the operation of pedalcycles was adopted. It includes the following new section relating to the application of the pedalcycle rules (p. 57):

The provisions of this subchapter apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (a).

The referenced "subsection (a)" is the section on rights and duties of pedalcyclists set out above.

The following new subsections require pedalcyclists on a roadway to generally keep to the right, or to the right or left on a one-way highway (p. 61):

(a) Except as provided in subsection (b), every person operating a pedalcycle on a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Any person operating a pedalcycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Another new subsection generally prohibits riding more than two abreast (p. 64):

Persons riding pedalcycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of pedalcycles.

Regarding restrictions on the use of limited-access highways (pp. 67-70), the law was amended to require official traffic-control devices at the entrances to limited-access highways on which such prohibitions are applicable.

The section relating to clinging to vehicles (p. 81) was reworded; only some of the amendments are relevant. The section refers to a person on a pedalcycle [bicycle]. It also specifies that it does not prohibit attaching a trailer or semitrailer to a pedalcycle.

The following new subsection requires use of pedalcycle lanes or paths within a highway if such use is possible, safe, and reasonable (p. 84):

Whenever a lane or path for pedalcycles has been provided as part of a highway, pedalcycles riders shall use the lane or path and shall not use any other part of the highway. This subsection does not apply when use of the pedalcycle lane or path is not possible, safe or reasonable.

The following new subsection relates to riding on a sidewalk in a business district (pp. 90-1), and on any sidewalk with an adjacent pedalcycle lane:

A person shall not ride a pedalcycle upon a sidewalk in a business district unless permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

Another new subsection requires pedalcyclists riding on a sidewalk or path to yield the right of way to pedestrians and give an audible signal before passing (pp. 95-7):

A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

The following three new provisions relate to riding upon the seat (pp. 97-8), carrying too many (pp. 98-100), and keeping hands on handlebars (pp. 101-3):

A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.

No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may carry a child securely attached to the rider in a back pack or sling.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

Another new section regulates pedalcycle parking (pp. 104-9) as follows:

(a) Sidewalks. --

(1) A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Roadways. --

(1) A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(2) A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.

(3) A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(4) In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking).

The provision relating to a light on the front (p. 110) was amended to require every pedalcycle [bicycle] when in use between sunset and sunrise to be equipped with a lamp on the front emitting a white light visible from at least 500 feet to the front [under normal atmospheric conditions]; a lamp worn by the operator complies with the requirement if visible from 500 feet to the front; lamps must be of a type approved by the department.

The provision relating to rear reflectors (p. 112) and rear lights (p. 114) was amended to require every pedalcycle [bicycle] when in use between sunset and sunrise to be equipped with a red reflector [or lamp] on the rear of a type approved by the department and visible from all distances from 100 feet to 600 feet to the rear [at least one and one-half inches in diameter and visible under normal atmospheric conditions from at least 500 feet to the rear]; a lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Another provision requires every pedalcycle when in use between sunset and sunrise to be equipped with an amber reflector on each side.

The following new section authorizes the use of an audible signal other than a siren:

A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.

Another new subsection requires pedalcycles to have brakes as follows:

Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.

Special Procedures and Penalties

The following new section relating to violations by children (p. 163) was adopted:

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this title relating to the operation of pedalcycles.

Enabling Legislation

The following new section enumerates the powers of the department and of local authorities with respect to regulation of pedalcycles:

The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

. . .

(7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.

(8) Regulating the operation of pedalcycles and requiring their registration and inspection, and the payment of a reasonable registration fee.

RHODE ISLAND

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended as follows:

Bicycle. Every vehicle [device] propelled exclusively by human power upon which any person may ride, having two (2) tandem wheels [either of which is more than 20 inches in diameter] except scooters and similar devices.

The definition of "vehicle" (p. 14) was reworded; a bicycle is still a vehicle under the new definition which provides as follows:

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

The definition of "roadway" (p. 27) was amended in relevant part as follows:

Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles.

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (p. 32) was amended to apply to persons propelling any kind of human-powered vehicles and to apply at all locations rather than just on the roadway:

Every person propelling a vehicle by human-power [riding a bicycle upon a roadway] shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle by chapters 12 to 27, inclusive, of this title, except as to special regulations in this chapter and except as to those provisions of said chapters 12 to 27 which

by their nature can have no application. This section shall not forbid a bicyclist from traveling upon the shoulders of the highway except for those highways which prohibit bicyclists.

Special Rules for the Operation of Bicycles

The section on application of the special bicycle rules (p. 57) was repealed.

The section on riding abreast (p. 64) was amended by addition of the following new sentence:

Persons riding two (2) abreast shall not unduly impede traffic and, on a laned roadway, shall ride within a single lane.

The following two new sections relating to turn signals and left turns by bicyclists were adopted:

Turn and stop signals. -- (a) Except as provided in this section, a person riding a bicycle shall comply with § 31-16-5.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in control or operation of the bicycle.

Left turns. -- (a) A person riding a bicycle intending to turn left shall, unless he complies with the provisions of § 31-16-2, approach the turn in a position as close as practicable to the right hand curb or edge of the roadway. The turn shall be made at a position as close as practicable to the right hand curb or edge of the roadway along which the bicyclist intends to proceed after turning.

(b) If the turn is made at a location where traffic movement is controlled by a police officer or by a traffic-control signal, the bicyclist may not proceed after crossing the intersecting roadway until a signal to proceed is given to traffic

moving in the appropriate direction on the roadway along which the bicyclist intends to proceed. At all other locations, after turning and before crossing the roadway he is leaving, the bicyclist must yield the right-of-way to all traffic approaching on that roadway.

(c) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles and when such devices are so placed no person shall turn a bicycle other than as directed and required by such devices.

Referenced § 31-16-5 requires turn signals to be given before turning a vehicle; § 31-16-2 specifies the manner of turning a vehicle at an intersection.

Another new section regulates bicycle racing on the highways:

Bicycle racing. -- (a) Bicycle racing on the highways is prohibited except as authorized in this section.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by state or local authorities on any highways under their respective jurisdictions. Such approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(c) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

The section relating to clinging to vehicles (p. 81) was amended by addition of the following new provision:

This section shall not prohibit attaching a trailer or semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

The section which required bicyclists to use an adjacent bicycle path instead of the roadway (p. 84) was repealed.

Three new subsections regulate the use of bicycles and other human-powered vehicles on sidewalks (pp. 90-97). One requires yielding to pedestrians and giving an audible signal before passing; the second authorizes riding on any sidewalk except where prohibited by signs; the third gives bicyclists on the sidewalk the same rights and duties as pedestrians. The three new subsections provide as follows:

A person propelling any vehicle operated by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

A person may ride any vehicle operated by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, unless prohibited by official traffic-control devices (signs).

A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian under the same circumstances.

The section which required a bicyclist to ride only upon or astride a permanent and regular seat (pp. 97-8) was repealed.

The section relating to carrying too many persons on a bicycle (pp. 98-9) was amended as follows:

No bicycle shall be used to carry more persons at one time than the number for which it is designed or [and] equipped, except that a rider may carry a child securely attached to his person in a back pack or sling.

The section relating to carrying articles and keeping hands on handlebars (pp. 101-2) was amended as follows:

No person operating a bicycle shall carry any package, bundle or article which prevents [the driver from keeping at least one hand upon the handle bars.] the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one (1) hand on the handlebars at all times.

The following new section was adopted to regulate bicycle parking (pp. 104-9):

(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device (sign).

(b) A bicycle parked on a sidewalk shall not unduly impede pedestrian or other traffic.

(c) A bicycle may be parked in the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of chapter 21 of this title of the general laws regulating the parking of vehicles.

The provision relating to a rear reflector (pp. 111-12) was amended to require every bicycle [when in use at nighttime] to be equipped with a red reflector [on the rear] of a type approved by the department which must be visible for 600 feet [from all distances from 50 feet to 300 feet] to the rear when directly in front of lawful lower [upper] beams of head lamps on a motor vehicle.

The provision on side reflective material (p. 116) was amended to require every bicycle when used at nighttime to be equipped with specified side-reflective material [prohibit any person from buying or selling at retail a bicycle for operation on a highway after January 1, 1975 unless equipped with specified side-reflective material]. The specifications for the required side-reflective material were unchanged.

The section relating to audible warning devices (p. 117) was amended to delete the requirement for a device, but retain the prohibition of a siren or whistle:

[No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that] A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

The brake requirement was amended to modify the brake performance standard as follows:

Every bicycle shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within twenty-five (25) feet at a speed of ten (10) mph [make the braked wheels skid] on dry, level, clean pavement.

A new section was added to allow uniformed police officers to inspect bicycles believed to be unsafe or not equipped as required by law:

A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

Dealer Regulation

Two new sections were added to require a bill of sale whenever a new or used bicycle is sold; the requirements seem to apply both to sales by dealers and to sales by individuals:

Sale of new bicycles. -- In every sale of a new bicycle, the seller shall issue a bill of sale which shall contain thereon, the date of sale, the seller's and buyer's name and address, the manufacturer's name, model, and serial number of such bicycle.

Sale of used bicycles. -- In every sale of a used bicycle, the seller shall issue a bill of sale which shall contain thereon the date of sale, the seller's and buyer's names and addresses, the manufacturer's name, model and serial numbers where this information is available on said bicycle. Where any of this information is missing, the seller must obtain a registration number from the local police.

Another new section applies only to dealers; it requires a permanent identification number on every bicycle sold:

Bicycle identifying number. -- No person engaged in the business of selling bicycles at retail shall sell any bicycle unless such bicycle has an identifying number permanently stamped or cast on its frame.

Miscellaneous Bicycle Laws

The following law which formerly protected only pedestrians was amended to also protect persons propelling human-powered vehicles, including bicycles, on a roadway:

Notwithstanding other [the foregoing] provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle upon any roadway and shall give an audible signal [warning by sounding the horn] when necessary and shall exercise proper precaution upon observing any child or any obviously confused, intoxicated or incapacitated person. [upon a roadway.]

SOUTH CAROLINA

Legal Status of Bicycles

The definition of "bicycle" (pp. 5-6) was amended to specify that the definition includes pedal bicycles with helper motors rated less than one brake horsepower [transmitted by friction and not by gear or chain,] which produce only ordinary pedaling speeds up to a maximum of twenty miles per hour.

Special Rules for the Operation of Bicycles

The following section prohibits bicycles on the roadway or shoulder (but not on service roads) of a controlled-access highway; signs are not required to effect the prohibition:

No person, unless otherwise directed by a law-enforcement officer, shall occupy any space within the limits of the roadway and shoulders of the main facility of a controlled-access highway with an animal-drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, a bicycle with motor attached, a motor-driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or other farm machinery, except in the performance of public works or official duties.

The prohibitions imposed by this subsection on the use of controlled-access highways shall not apply to service roads alongside such highways.

In addition, the following new section relating to restrictions on the use of controlled-access facilities was adopted:

(a) The State Highway and Public Transportation Commission by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The commission or local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the

controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

Miscellaneous Bicycle Laws

The following section which formerly protected only pedestrians was amended to extend the protection to persons propelling human-powered vehicles, including bicycles:

Notwithstanding other provisions of any local ordinance, [the provisions of this article] every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle [upon any roadway] and shall give an audible signal [warning by sounding the horn] when necessary and shall exercise proper precaution upon observing any child or any obviously confused, [or] incapacitated or intoxicated person. [upon any roadway.]

TEXAS

Special Rules for the Operation of Bicycles

The following new provision was added to the section specifying the rights and duties of bicyclists; it regulates organized bicycle racing on the highways (pp. 78-9):

However, organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the appropriate local law enforcement agencies. The sponsoring organization and the local law enforcement agency may establish by agreement special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races. "Bicycle" as used herein means a nonmotorized vehicle propelled by human power.

The last sentence is a definition of "bicycle" which appears to have application only to the section which includes it. That section includes the quoted racing provision, but it also includes the provision which gives every person riding a bicycle upon the roadway all the rights and duties applicable to the driver of a vehicle. The definition of bicycle in this section is much broader than the general purpose definition (see p. 4).

The section requiring bicyclists to use an adjacent bicycle path instead of the roadway (p. 84) was repealed.

UTAH

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended to refer to a wheel diameter of 12 [20] inches.

Accident Requirements and Rules of the Road

The section which makes bicyclists subject to the traffic laws (p. 33) was amended as follows:

Every person riding a bicycle [upon a roadway] is subject to the provisions of this chapter [act] applicable to the driver of a vehicle except as to those [special regulations in this act and except as to those] provisions of this chapter [act] which by their nature can have no application.

Special Rules for the Operation of Bicycles

The section on riding abreast (p. 64) was amended by the addition of the following new language:

Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

The section dealing with restrictions on the use of controlled-access facilities (pp. 67-70) was amended to allow appropriate authorities to regulate or prohibit the use of controlled-access roadways by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic [bicycles and other named classes of traffic]. Appropriate traffic-control devices [signs] are required to effectuate the regulations.

The following new section regulates the manner of making left turns by bicycle:

- (1) A person riding a bicycle intending to turn left shall comply with section 41-6-66 or subsection (2).

(2) A person riding a bicycle intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist shall comply with any official traffic-control device or police officer regulating traffic along the highway intended to be traveled.

(3) Notwithstanding the foregoing provisions, the department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices.

Another new section relates to the requirement of turn signals by bicyclists:

(1) Except as provided in this section, a person riding a bicycle shall comply with section 41-6-69.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

The following new section was added to regulate bicycle racing on the highways (pp. 78-9):

(1) Bicycle racing on highways is prohibited by section 41-6-51, except as authorized in this section.

(2) Bicycle racing on a highway is not unlawful when a racing event is approved by state or local authorities on any highway under their

respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(3) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable, provided that traffic control is adequate to assure the safety of all highway users.

The section which prohibits clinging to a vehicle (p. 81) was amended by the addition of the following new provision:

This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

The following new section was added to regulate bicycles on sidewalks; it requires bicyclists to yield to, and give audible signal before passing, a pedestrian; it bans riding on sidewalks where signs prohibit such riding; and it gives bicyclists on a sidewalk or crosswalk the same rights and duties as pedestrians:

(1) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(2) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where use of bicycles is prohibited by official traffic-control devices.

(3) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

The section requiring bicyclists to ride upon the seat (p. 97) was amended as follows:

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. [nor carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon nor shall any person ride upon a bicycle other than as above authorized.]

The section on carrying too many (p. 98) was amended as follows:

No bicycle shall be used to carry more persons at one time than the number for which it is designed or [and] equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling.

The section which prohibits carrying articles which would prevent keeping at least one hand on the handlebars (pp. 101-2) was slightly reworded as follows:

No person operating [riding] a bicycle shall carry any package, bundle, or article which prevents the driver [rider] from keeping at least one hand upon the handle bars.

The following new section regulates bicycle parking (pp. 104-9):

(1) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(3) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(4) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(5) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(6) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of article 14 regulating the parking of vehicles.

The section relating to bicycle lighting equipment was extensively amended. The front light requirement (p. 109) is affected only as to the description of the times during which lights are required. The visibility requirements and the designated approval agency for the rear reflector (pp. 111-12) were amended. The provision specifically authorizing a red tail light (p. 114) was deleted. The section was amended as follows:

(1) Every bicycle in use at the times described in section 41-6-118 [operated during the nighttime] shall be equipped with a lamp on the front emitting [exhibiting] a white light visible from a distance of at least 500 feet to the front and with a red reflector [on the rear] of a type approved by the department [State road commission] which shall be visible for 500 [from 50 to 300] feet to the rear when directly in front of lawful lower [upper] beams of head lamps on a motor vehicle. [A red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.]

In addition, the following two new subsections were adopted to require side reflective material or a light visible to the sides, and to authorize the use of any additional lights and reflectors:

(2) Every bicycle when in use at the times described in section 41-6-118 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 500 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(3) A bicycle or its rider may be equipped with lights or reflectors in addition to those required by subsections (1) and (2).

The section regarding audible warning devices (p. 117) was amended to delete the requirement for a device but to retain the prohibition on use of sirens or whistles:

[No person shall ride a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that no] A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

The section requiring brakes (pp. 118-19) was amended as follows:

(2) Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour [the operator to make the braked wheels skid] on dry, level, clean pavement.

A new section was added to allow a police officer to inspect a bicycle:

A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

Miscellaneous Bicycle Laws

The following new section requires drivers to use due care to avoid colliding with a person propelling a human-powered vehicle:

Notwithstanding other provisions of this chapter or any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

VERMONT

Accident Requirements and Rules of the Road

The section on rights and duties of bicyclists (p. 33) omits the phrase "upon a roadway." Hence bicyclists have the same rights and duties as the driver of a vehicle at any location.

Special Rules for the Operation of Bicycles

The section relating to audible warning devices (p. 117) was amended to repeal the requirement for a device, but to retain the prohibition on use of a siren or whistle:

[No person may operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet.] No person may equip a bicycle with any siren or whistle, or any device simulating a siren of an authorized emergency vehicle, nor may he operate a bicycle so equipped.

Special Procedures and Penalties

One section specifies the penalty for violating the special bicycle rules; it is a fine of not more than \$25. Another section specifies that any such violations by children under 16 years of age do not constitute either negligence or evidence of negligence.

VIRGINIA

Legal Status of Bicycles

A new definition of the term "bicycle" was adopted, but the definition includes only mopeds and does not actually define what a bicycle is; it provides as follows:

"Bicycle". -- Bicycle shall include pedal bicycles with helper motors rated less than one brake horsepower, which produce only ordinary pedaling speeds up to a maximum of twenty miles per hour, provided such bicycles so equipped shall not be operated upon any highway or public vehicular area of this State by any person under the age of sixteen years.

The definition of "vehicle," (p. 10) which already excludes devices moved by human power, was amended to also exclude any device included within the definition of "bicycle." The effect is to exclude mopeds from the definition of "vehicle."

The definition of "highway" (pp. 22-3) was amended to specifically include private roads which have been designated as "highways" by a local ordinance.

Accident Requirements and Rules of the Road

The section dealing with rights and duties of bicyclists (p. 33) was amended as follows:

Every person riding a bicycle or an animal upon a roadway and every person driving any animal thereon shall be subject to the provisions of this chapter and shall have all of the rights and all of the duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

Special Rules for the Operation of Bicycles

The following new section was adopted to regulate the position of bicyclists on a highway (p. 61):

Every person operating a bicycle upon a highway shall ride as near to the right side of the highway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

The following new section was adopted to regulate riding abreast (p. 64):

Persons riding bicycles upon a highway shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles.

The law generally prohibiting "bikathons" (p. 79) was repealed.

Regarding the requirement to use an available path instead of the roadway (pp. 84-6), the requirement was adopted and subsequently amended to make it a matter of local option. It provides as follows:

The governing body of any locality may by ordinance provide that wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

The section relating to sidewalk riding (pp. 93-4) was amended as follows:

If any person rides or drives any vehicle, including bicycles and motorcycles, on the sidewalks of any city, town or county of this State, except Arlington and Henrico counties, he shall be guilty of a traffic infraction [misdemeanor] and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars; provided, however, that the governing body of any city, county or town, except Arlington and Henrico counties, may authorize persons [children under fifteen years of age] to ride bicycles upon the sidewalks in certain areas that have been designated as bicycle routes.

A new section prohibits carrying articles which prevent keeping at least one hand on the handlebars (pp. 101-3):

No person operating a bicycle or moped upon a highway shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

The following new section requires brakes on a bicycle (p. 119):

Every bicycle and moped when operated upon a highway shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Special Procedures and Penalties

The law providing for sale of unclaimed bicycles in the possession of the police (p. 162) was amended to allow the bicycles to be sold at public auction or donated to a charitable organization. A bicycle found by a private person and turned over to the police which remains unclaimed after 60 days may be given to the finder provided that attempts are made to locate the owner through newspaper publications and through any registration records.

Enabling Legislation

There is a law which authorizes local governments to require bicycle registration although the section is not directly comparable to UVC § 15-102(a)(8) (p. 166-7).

WASHINGTON

Legal Status of Bicycles

The definition of "roadway" (p. 28) was amended as follows:

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such a sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively. [the paved, improved, or proper driving portion of a public highway designed, or ordinarily used for vehicular travel.]

Special Rules for the Operation of Bicycles

The law which requires bicyclists on a roadway to keep to the right (p. 61) was amended as follows:

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or one proceeding in the same direction.

The section dealing with restrictions on use of limited-access roadways (pp. 67-70) was amended to require the erection of official traffic-control devices [signs] to effectuate the restrictions.

A new law prohibits operation of a moped on a bicycle path, bicycle trail, or bikeway.

The rear reflector provision (pp. 111-12) was amended to require the reflector to be visible from all distances from 100 [50] feet to 600 [300] feet to the rear when directly in front of the lawful lower [upper] beams of head lamps on a motor vehicle.

Enabling Legislation

The provision on signs and markings for bikeways (p. 169) was repealed.

WEST VIRGINIA

Legal Status of Bicycles

The definition of "bicycle" (p. 4) was amended as follows:

"Bicycle" means every device which does not have a motor attached and which is propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.

WISCONSIN

Legal Status of Bicycles

The definition of "bicycle" (p. 5) was amended as follows:

"Bicycle" means every device propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 [more than 20] inches in diameter.

Special Rules for the Operation of Bicycles

The section on application of special bicycle rules was amended to make them applicable whenever a bicycle is operated upon a highway, bicycle lane or bicycle way. However, this section only relates to four special bicycle rules: ride on the seat, don't carry too many, don't carry anything which prevents keeping a hand on the handlebars, and don't cling to another vehicle; the section does not apply to other special bicycle rules.

The section which required bicyclists on a roadway to keep to the right (p. 61) was amended as follows:

Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying 2-way traffic shall ride as near as practicable to the right edge of the unobstructed traveled roadway, including operators who are riding 2 abreast where permitted under sub. (2). On one-way roadways, the operator of the bicycle shall ride as near as practicable to the right edge or left edge of the unobstructed traveled roadway, including operators who are riding 2 abreast where permitted under sub. (2). Every person operating a bicycle upon a roadway shall exercise [to the right side of the roadway as practicable, exercising] due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of 3 feet between the bicycle and the vehicle.

A new section requires the driver of a motor vehicle passing a bicycle to pass at a safe distance, in no case less than three feet:

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle and shall maintain clearance until safely past the overtaken bicycle.

The section relating to riding abreast (p. 64) was amended to allow riding abreast in certain limited circumstances:

Persons riding bicycles upon a roadway shall ride single file on all roadways which have center lines or lane lines indicated by painting or other markings and in all unincorporated areas. On roadways not divided by painted or other marked center-lines or lane lines, bicycle operators may ride 2 abreast in incorporated areas.

The following new section prohibits bicycles on any roadway where signs exclude them (pp. 71-3):

No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle or moped riding is prohibited.

The following new section apparently requires bicycles to yield to any motor vehicles upon entering any highway, apparently in disregard of other right-of-way laws which might control:

Every rider of a bicycle shall, upon entering on a highway, yield the right-of-way to motor vehicles.

The section on turn signals and stop signals was amended to require bicyclists to give turn signals continuously for the last 50 feet traveled before a turn rather than for the last 100 feet as required for drivers of other vehicles, and to exempt bicyclists from the stop signal requirement when they are stopping at a stop sign or a traffic-control signal.

The section which required bicyclists to use an available bicycle path instead of the roadway (p. 84) was repealed.

Extensive new rules were adopted to regulate the use of various bicycle facilities by bicyclists (pp. 87-9). Three new definitions describe various types of facilities:

"Bicycle lane" means that portion of a roadway set aside by the governing body of any city, town, village or county for the exclusive use of bicycles or other modes of travel where permitted under s. 349.23(2)(a), and so designated by appropriate signs and markings.

"Bike route" means any bicycle lane, bicycle way or highway which has been duly designated by the governing body of any city, town, village or county and which is identified by appropriate signs and markings.

"Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles by the governing body of any city, town, village or county.

The following new section regulates bicycle use of "bicycle lanes:"

(1)(a) Unless 2-way traffic is authorized under par. (b), every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

(b) The governing body of any city, town, village or county may authorize 2-way traffic on any portion of a roadway which it has set aside as a bicycle lane. Appropriate traffic signs shall be installed on all bicycle lanes open to 2-way traffic.

(2)(a) Unless otherwise provided under par. (b), a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

(b) A person may leave a bicycle lane at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.

(3) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.

(4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

Another new section regulates bicycle use of "bicycle ways":

(1) Every person operating a bicycle upon a bicycle way shall:

(a) Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.

(b) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

(2) Every person operating a bicycle upon a bicycle way open to 2-way traffic shall ride on the right side of the bicycle way.

(3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

New rules were also adopted to regulate the use of bicycle facilities by motor vehicles (pp. 89-90). One new subsection prohibits riding a moped upon a "bicycle way." Another new section restricts motor vehicle use of "bicycle lanes" or "bicycle ways" as follows:

No operator of a motor vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all bicycles within the bicycle lane or bicycle way.

The following new section regulates bicycle riding on the sidewalk (pp. 90-98) where it is permitted by local authorities:

When local authorities under s. 346.94(1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

Referenced section 346.94(1) prohibits driving a vehicle upon a sidewalk unless permitted to do so by local authorities; it does

not specifically refer to bicycles. The section above which regulates bicycle use of "bicycle ways" is also relevant to sidewalk riding since sidewalks can be designated as "bicycle ways."

The bicycle lighting equipment requirements (pp. 109-114) were revised to apply to a bicycle on a highway, bicycle lane or bicycle way. The head lamp may be worn on the operator. The rear reflector must be at least two inches in diameter; the reflector and any tail light used must be visible up to 500 [300] feet. The section was revised as follows:

No person may [shall] operate a bicycle upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp [on the front] emitting a white light visible from a distance of at least 500 feet to the front of such bicycle. Such bicycle shall also be equipped [and] with a red reflector that has a diameter of at least two inches of surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 500 [300] feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 [300] feet to the rear may be used in addition to but not in lieu of the red reflector.

The section relating to audible warning devices (p. 117) was amended by deleting the requirement for an audible device, and by retaining the prohibition against use of a siren or compression whistle.

The brake requirement (pp. 118-9) was amended as follows:

No person may operate a bicycle upon a highway, bicycle lane or bicycle way unless it is equipped with a brake in good working condition, adequate to control the movement of and to stop the bicycle whenever necessary [which will enable the operator to make the braked wheels skid on dry, level, clean pavement].

Enabling Legislation

The section which authorized local authorities to establish bicycle facilities (pp. 167-8) was extensively revised. The section now reads as follows:

(1) The governing body of any city, town, village or county may by ordinance:

(a) Designate any roadway or portion thereof under its jurisdiction as a bicycle lane.

(b) Designate any sidewalk or portion thereof in its jurisdiction as a bicycle way.

(2) A governing body designating a sidewalk or portion thereof as a bicycle way or a highway or portion thereof as a bicycle lane under this section may:

(a) Designate the type and character of vehicles or other modes of travel which may be operated on a bicycle lane or bicycle way, provided that the operation of such vehicle or other mode of travel is not inconsistent with the safe use and enjoyment of the bicycle lane or bicycle way by bicycle traffic.

(b) Establish priority of right-of-way on the bicycle lane or bicycle way and otherwise regulate the use of the bicycle lane or bicycle way as it deems necessary. The designating governing body may, after public hearing, prohibit through traffic on any highway or portion thereof designated as a bicycle lane, except that through traffic may not be prohibited on any state highway. The designating governing body shall erect and maintain official signs giving notice of the regulations and priorities established under this paragraph, and shall mark all bicycle lanes and bicycle ways with appropriate signs.

(c) Paint lines or construct curbs or establish other physical separations to exclude the use of the bicycle lane or bicycle way by vehicles other than those specifically permitted to operate thereon.

(3) The governing body of any city, town, village or county may by ordinance prohibit the use of bicycles on a roadway over which they have jurisdiction, after holding a public hearing on such proposal.

DISTRICT OF COLUMBIA

Legal Status of Bicycles

The definition of "bicycle" (p. 8) was extensively reworded; the new definition differs in substance only in that it includes tricycles and specifically excludes mopeds. The new definition provides as follows:

Bicycle -- A device which is propelled solely by human power; which is designed to be ridden by one (1) or more persons; which has a saddle or seat for each person that the device is designed and equipped to carry; which has a tandem arrangement of two wheels (or is a device generally recognized as a bicycle though equipped with two front or rear wheels); and which has either one wheel at least twenty inches (20") in diameter or is designed to be ridden on a roadway. This shall not include any device equipped with a motor or engine capable of propelling such device either exclusively or in combination with human power, whether or not such motor or engine is in actual operation.

The term "sidewalk bicycle" is also defined:

Sidewalk Bicycle - A device which would be included within the definition of "bicycle" as set forth in this section, except for the fact that such device either has two (2) or more wheels, all of which are less than twenty inches (20") in diameter, or is not designed to be ridden on a roadway.

The definition of "vehicle" (p. 15) was amended, but it still includes bicycles:

Vehicle - Any of the following: (a) A motor vehicle or trailer; (b) An appliance moved over a highway on wheels or traction tread including draft animals and beasts of burden.

Of the two former definitions of "highway" (p. 24), the one most closely conforming with the Uniform Vehicle Code definition was repealed; the following definition which provides that a highway is a way for vehicular or pedestrian travel was retained:

Highway - The entire width between the boundary lines of every publicly maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

Accident Requirements and Rules of the Road

Regarding the rights and duties of bicyclists (p. 34), two relevant sections were retained. One provides simply that "operators of bicycles have the same rights as operators of motor vehicles." The second section was amended in a subtle but significant manner:

Every person riding a bicycle on a highway shall be subject to all the duties applicable to the drivers of motor vehicles under this title, except as otherwise expressly provided in this chapter, and except for those duties imposed by this title which, by their nature, can have no reasonable application to a bicycle operator.

Due to a recodification, both of these sections are now located in the same title as the rules of the road.

Special Rules for the Operation of Bicycles

The following new section requires bicyclists to obey official traffic-control devices (pp. 59-60):

No person shall operate a bicycle except in obedience to the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer or other person authorized to direct and control traffic.

Regarding the use of bicycle facilities by motor vehicles (pp. 89-90), two new sections relate to the use of a moped on such facilities:

Except as otherwise permitted for a motor vehicle, no person shall operate a motorized bicycle on any sidewalk or any off-street bikepath or bicycle route within the District. This prohibition shall apply even though the motorized bicycle is being operated solely by human power.

A motorized bicycle may be operated on any part of a roadway designated for the use of bicycles.

Regarding bicycle riding on sidewalks (pp. 90-6), one existing section was amended so as to impose a speed limit for bicycles on sidewalks:

Any person riding a bicycle upon a sidewalk shall yield the right-of-way to pedestrians, and shall travel at a speed no greater than the posted speed limit of the adjacent roadway; Provided, that such speed is safe for the conditions then existing on the sidewalk.

A new section was added to give bicyclists on the sidewalk the same rights and duties as pedestrians:

A person propelling a bicycle upon and along a sidewalk or while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the bicyclist must yield to pedestrians on the sidewalk or crosswalk.

Another new section prohibits riding off a sidewalk into the path of a vehicle which cannot stop:

No bicyclist shall suddenly leave a sidewalk and ride into the path of a vehicle which is so close that it is impossible for the driver to yield.

The provisions relating to bicycle parking (pp. 104-5) were reworded and recodified, but without substantive change. These regulations also contain the following provisions which were omitted from the original Commentary:

Except as provided in this chapter, no person may park a bicycle upon a highway other than the roadway against the curb; nor may any person park a bicycle upon a sidewalk, except in a rack to support the bicycle; or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

No person, except for impoundment by the Mayor, shall tamper with any bicycle which has been locked, placed in a rack, or otherwise secured.

Regarding the tail light provision (pp. 114-15), the regulations specify that a rear light may be used "in lieu of" the rear reflector, rather than "in addition to" it.

Regarding audible warning devices (pp. 117-18), the following new provisions were adopted:

Each bicycle shall be equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100').

A bicycle shall not be equipped with, nor shall any bicycle rider use, a siren of any kind.

A bicycle rider shall not use the device for giving an audible signal when operating the bicycle within the quiet zone established by the provisions of D.C. Law 2-53 within one hundred (100) yards of any school, college, or university while classes are in session, or within one hundred (100) yards of any hospital or institution for the treatment of sick persons, except where such use is reasonably necessary for the safety of the rider or pedestrians.

No person operating a bicycle shall sound any warning device at any intersection so as to interfere with the obedience to the instructions of official traffic control signals or to the directions of police traffic control officers.

Extensive new provisions were adopted relating to approval of bicycle lighting devices by the department of transportation. No such device which differs from the original equipment in design or performance may be offered for sale without being approved. Procedures for approval and withdrawal of approval are specified.

Bicycle Registration

The prior voluntary registration law (pp. 128-50) was repealed. A new law requiring bicycle registration was adopted. The principal features of the new law are as follows:

-- No bicycle may be operated in the District unless it is validly registered, except that bicycles owned by nonresidents and which are validly registered in the owner's home jurisdiction, and bicycles which have been acquired by the owner or brought into the District within the prior 14 days are exempt.

-- The validity period of bicycle registration is unclear. One section provides that application for renewal may be made during the 30-day period preceeding expiration. But the only section relating to expiration provides that registrations expire upon the destruction or transfer of the bicycle; the original owner must notify the Mayor of the sale and the new owner is allowed to renew the registration. The definitions include the phrase "bicycle registration year," defined as a 12-month period beginning and ending on dates designated by the mayor, but the defined phrase is not used in the registration law.

-- The registration fee is one dollar. The Department of Transportation is the registration agency. Application must include the owner's name and address, a description of the bicycle, the date of its acquisition and the name and address of the former owner. Satisfactory proof of ownership is required. Only the bicycle owner or child of the owner may present it for registration.

-- The bicycle must meet equipment requirements and be capable of being operated safely in order to be registered. Before registering a bicycle, the department must affix a serial number on the underside of the hanger of the frame.

-- The department issues three indicia of registration: a tag affixed to the bicycle in a readily visible location, a metal registration plate affixed on the frame between the seat and the rear wheel, and a registration card bearing the owner's name and address, the serial number affixed under the hanger, the tag number, the plate number, and a description of the bicycle.

-- It is an offense to alter, remove, or deface any serial number, tag, plate, or registration card, or to provide false information in application for registration.

-- Whenever a new bicycle or a registered used bicycle is sold in the District, the seller must provide the buyer with a certificate of sale properly identifying the bicycle. The registration card must contain a form for transfer of ownership.

-- A person in the business of renting bicycles must rent only properly registered bicycles, and must provide a statement of rental to each customer.

Miscellaneous Bicycle Laws

The following sections which were omitted from the original Commentary relate to the use of a rack on a motor vehicle for the purpose of transporting bicycles:

A mountable rack may be attached to a vehicle for the purpose of transporting a bicycle; Provided, that the number of bicycles transported in the rack shall not exceed the number which the rack is designed to carry.

No mountable rack shall extend beyond the bumper design margins of a vehicle in any manner which is hazardous or dangerous, nor shall any such mountable rack obstruct the vehicle's stop or turn signals.

Other sections specifically provide that a drivers license is not required to operate a bicycle; no person may lose his drivers license due to a violation of any of the special bicycle laws; and no points may be assessed under the drivers license point system as a result of a violation committed while operating a bicycle. In the original Commentary (p. 170) these provisions were erroneously identified as being part of the law of the State of Washington, rather than Washington, D.C.

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